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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fifth periodic report of States parties

Jamaica*

* The present report is being issued without formal editing. For the initial report submitted by the Government of Jamaica, see CEDAW/C/5/Add.38, which was considered by the Committee at its seventh session. For the combined second, third and fourth periodic reports submitted by the Government of Jamaica, see CEDAW/C/JAM/2-4, which was considered by the Committee at its twenty-fourth session.

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EXECUTIVE SUMMARY OF JAMAICA'S FIFTH PERIODIC REPORT FOR SUBMISSION TO THE U.N. ON THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The submission, which covers a review period of January 1998 through December 2002, is divided into two main sections as outlined below:

SECTION I

Section I provides a general introductory profile of Jamaica in terms of the country's macro-economy, demography, and status of the labour force and employment. While this section serves more to satisfy purely informational rather than analytical requirements, analysis is brought to bear wherever applicable to issues/situations that affect men and women differentially, in particular where women are placed in a disadvantageous position. For instance, the subsection on the labour force affords ample opportunity to explore traditional imbalances as well as newly emergent patterns that represent a departure from entrenched positions.

Population highlights are as follows:

- Manageable rates of growth consist with National Population Policy target
- Fertility rates, though on the decline, are still cause for some concern
- Increasing life expectancy for both males and females
- An even male-female population balance

Macro-economic highlights include:

- Modest real rates of economic growth at best
- High imports/sluggish production and export performance
- High national debt, the servicing of which dominates Government expenditure
- Moderation in inflation and interest rates
- Relative stability in exchange rates
- A strong build-up of Net International Reserves (NIR)
- Foreign currency remittances are a critical contributor to the economy.

Labour force highlights are presented below:

- Recent increases in overall employment, with women accounting for the majority of the increase
- The unemployment rate for females is twice that for males with one in ten males jobless and one in five females out of work.

- Women fill the majority of unskilled positions ("Elementary and Other Occupations")
- The pattern whereby certain technical/agricultural spheres are male dominated remains essentially undisturbed
- Women have made significant strides in the labour category "Professionals, Senior Officials and Technicians" Over a fifth of the employed female labour force now falls in this grouping. Just over 12% of the employed male labour force is so categorized.
- Overall unemployment is highest in rural towns.

SECTION II

Section II affords a detailed treatment/situational analysis of sixteen (16) areas of emphasis/concern, designated as *Articles*, on which CEDAW requires responses with respect to initiatives and/or developments during the review period. The sixteen (16) *Articles* are:

1. Definition of discrimination
2. Obligations to eliminate discrimination
3. The development and advancement of women
4. Acceleration of equality between men and women
5. Sex roles and stereotyping
6. Exploitation of women
7. Political and public life
8. International representation and participation
9. Nationality
10. Education
11. Employment
12. Equality in access to health care
13. Social and economic benefits
14. Rural women
15. Equality before the law and in civil matters
16. Equality in marriage and family law.

One or two key finding/issue from each A*rticle* will now be cited:

1. The Constitution of Jamaica, while prohibiting discrimination on a number of grounds including race and religion, does not prohibit discrimination on the grounds of sex

2. There are in place a number of legislative measures aimed at eliminating discrimination. These include the Incest (Punishment) Act and the Employment and Equal Pay for Men and Women Act 1975. The various laws have been reviewed to identify intrinsic shortcomings and/or datedness with a view to having these rectified

3. Review and revision of the Married Women's Property Act 1887 is currently underway to address an asymmetry respecting "fraudulent investments by a wife of her husband's money without his consent." It is being proposed that the converse should also hold true

4. Stress is placed on the issues of Maternity Protection and Occupational Safety Guidelines in the context of the workplace

5. The phenomenon of gender stereotyping remains institutionalized through a number of socio-economic and cultural agents including the educational system, the media, the church and the family

6. The emphasis is on measures, legislative and otherwise, to deal with violence against women and girls

7. Women continue to be under-represented at the highest levels of governance, power and decision-making

8. In principle, Jamaican women have equal opportunity to represent their country internationally. In practice, women actually constitute the majority of personnel in the Jamaican Foreign Service, and hold a number of senior positions

9. There is no distinction between males and females as regards the right to acquire, change or retain their nationality

10. The Government of Jamaica is committed to the position that education is a basic human right. While a number of facets of the education system reinforce gender stereotyping, in general, females are outperforming males in academic pursuits

11. The focus is on protection and benefits for women on the job and issues such as night work, unionization of women and sexual harassment at the workplace are explored

12. All health facilities, at both the primary and secondary care levels are open to women. An issue of particular concern is the vulnerability to and incidence of HIV/AIDS among females in the 15 to 24 years age group

13. There is no distinction between women and men in respect of state- assisted/state-provided benefits, but for economic reasons women are by and large at a disadvantage in respect of private sector financing. There are no formal (but still some cultural) barriers to female participation in various types of recreation and sport

14. Over the past decade, several institutional interventions have been carried out to improve the socio-economic status of rural women. The state, NGO's and community organizations have all been important contributors to this thrust

15. While the Constitution provides for equality of all citizens there is a need for amendments to allow women access to certain constitutional remedies and redresses

16. The law provides for equal rights/obligations in marriage for both women and men. Both women and men retain all their rights as individuals within the context of marriage.

A number of the issues treated with in Section II cross-cut the various *Article* headings and this summary focuses on specific areas of Section II that have especially significant gender implications and/or wider socio-economic implications by extension. These are the areas deserving of special and/or greater attention as the policy-legislative framework evolves:

- Persistent stereotypical attitudes prevail about male-female roles and relations. These however, are being systematically addressed through public education in schools, across civil society largely via community outreach and through gender mainstreaming initiatives in the public sector

- In the educational sphere, boys are generally under performing vis-à-vis girls, but are still doing relatively better in some traditional male dominated areas such as the technical/scientific disciplines

- Women now outnumber men as students at the tertiary level and as professional functionaries in corporate/public sector second–tier leadership

- As cited earlier, analysis of the Labour Force Survey confirmed the persistence of entrenched occupational stereotypes despite women making some recent inroads in non-traditional spheres. For instance, there remains a low percentage of women in skilled technical occupations and a high proportion in clerical/nurturing/domestic fields

- Unemployment rate differentials exist in favour of men, but women are now making inroads in a historically male dominated labour force as regards technical/professional placement

- While it has been cited that women are advancing disproportionately in the academic/professional arenas, in the sphere of entrepreneurship, they appear to remain at a decided disadvantage. Due to a historically greater capital/asset deficiency compared to men, fewer women who seek to enter into business have the wherewithal to secure loan financing adequate for their business requirements

- Inadequate number of women in power at the very highest levels i.e. the board room of the corporate/academic spheres, Parliament and other areas of public life/public service

- Overall, despite the relatively recent academic/professional strides made by women, there still exists an unbalanced gender power structure, albeit now with a somewhat different

configuration. That is, men now predominate at both extremes, as women have come to the ascendancy at the middle

- With natural attrition of top male leadership through retirement and death, it stands to reason that women, now poised in unprecedentedly large numbers at the threshold of top leadership, will ascend to this level. A possible end result could be female domination of top leadership with greater male representation at the middle and lower. The critical issue here in seeking to bring about gender equity is to avoid going to the opposite extremes whereby the imbalance will now be in favour of women.

GAP ANALYSIS

The identification of a number of shortcomings at various levels, including the legislative, administrative and statistical, begs for the presentation of a basic Gap Analysis to isolate these inadequacies. The analysis being presented here is not provided in an explicit summary form in the CEDAW submission, but is woven into the various *Articles* that treat with the areas of deficiency.

- Absence of gendered data/definitional clarity on a number of variables. As a glaring example, it would have been useful, while carrying out analysis on the labour force/unemployment, to cite the percentage of Jamaican farmers who are female. Extensive research reveals that such statistics are unavailable, leaving open to uncertainty the issue of whether a number of women, acting under a traditional mindset of defining themselves as farmers' wives/assistants, might be farmers in their own right.

- Slowness of legal reform relating to anti-discriminatory legislation has also been brought into relief. With the sluggish legislative process, there exists a large backlog of outstanding matters and no significant improvement is evident. Critically, none of the promised legislative reform indicated from previous reporting/submissions to CEDAW has been concluded . As a prime example, as cited above, sex has not been incorporated in the Jamaican Constitution, as one of the attributes against which there must be no discrimination.

- With regards to Violence Against Women (VAW), there needs to be an official database housing specific statistics on spousal abuse as a subset of domestic violence. This to facilitate more rigorous socio-economic analysis and provide a basis for confronting the problem in an informed and practical fashion.

- As regards the findings on AIDS and health issues, there is a higher incidence of injuries and death from violence ad accidents, among young males in the 15 to 30 years age group, due largely to the riskier lifestyle they pursue. HIV/AIDS poses the bigger threat to females in the 15 to 24 years age group, who have been identified as being at a two-to-four times greater risk than their male counterparts. The implication of these issues is a pressing need for specific programmes to target this age group.

On balance, while there remain a number of barriers - legal, financial, psychological among others - to the advancement of women, a number of initiatives and programmes to address these impediments are in train at the levels of Government, Non-Governmental Organizations (NGO's) and civil society. At all levels, a lack of resources, financial and otherwise compromise the pace and effectiveness of the thrust to empower women.

Women themselves have seized the initiative for advancement through academic and consequently professional channels and created a cadre of middle managers well placed for succession to the highest echelons. There is no denying however, that the majority of women remain relatively disadvantaged, making it necessary to step up efforts at all levels to redress the existing imbalances.

INTRODUCTION

The Government of Jamaica, as a State party to the Convention on the Elimination of All Forms of Discrimination against Women and in fulfillment of the obligations of article 18, submits its fifth periodic report, which covers the period from January 1998 to December 2002.

The report is divided into two segments. The first section consists of a general overview of the country, including its demographic and socio-economic setting. The second section examines the sixteen (16) articles that relate to measures for promoting the elimination of discrimination against women in the various spheres of their lives.

PART ONE

JAMAICA: DEMOGRAPHIC AND SOCIO-ECONOMIC CONTEXT

Population

1. On the basis of official estimates, the population of Jamaica was 2.62 million at the end of 2001. This compares with an estimated level of 2.60 million at the close of the previous calendar year and represents a net increase in absolute terms, of about sixteen thousand four hundred (16,400) and a growth rate of 0.6 percent. This rate of growth was essentially the same as obtained for the years 2000 and 1999. The rate of growth for 1998 over 1997 was approximately 0.8 percent.

2. Hence the average annual rate of population increase in Jamaica since 1998 inclusive has been 0.65 percent, with a relatively insignificant variance. This trend augurs well for the attainment of the National Population Policy target of a rate of increase below 0.8 percent over the medium term and a projected total population of under three (3) million persons by the year 2020. Moreover, the ultimate goal of national population policy is a stable population with a zero growth rate.

3. Population changes result from interaction among three variables, viz. fertility, mortality and international migration. While the rate of Jamaica's population increase has been within target at 6.0% in recent years, the relative influences of the three (3) causative factors determining the trend are of some concern from a policy perspective. Although there is some concern for fertility, the 15-29 age group, which is responsible for most of the nation's fertility is declining. This will result in a decrease in the dynamics of population momentum. In addition, the impact of international migration on this age group is also reducing its size, which coupled with a lessening effect of population momentum, call for a re-examination of the population target for replacement.

Jamaica's mortality is expected to increase as more persons enter the over 60 age group. In addition, because Jamaica has the second highest HIV/AIDS rate in the Caribbean, in the next 10-15 years, these infected persons are expected to die. There is therefore a concern for the increase of HIV among women both on a global and local scale. This is highlighted as the Jamaica AIDS Support noted that in 2002, 40.2 percent of all deaths were women compared to 37.7 percent in 1999.

4. The recent moderation in population growth has come about more from a high incidence of emigration than a decline in fertility. This bears implications for socio-economic development particularly in light of the fact that skilled professionals contribute notably to the emigration process. Moreover, with a significant share of the population being young (a median age of 26 years and about 40 percent under 20 years of age, of which females account for 20 percentage points) a relatively high proportion of the populace is economically dependent. This has clear policy implications in respect of pressure on budgetary allocations for education and training and the factors of income distribution and per capita income.

5. Despite these concerns, a declining trend in the population age 0-14 years has been evident in recent years. At the end of 2001, the population in the age group 0-14 years was estimated at 30.5 percent as against 30.8 percent at 2000 and 31.2 percent for 1999, thus manifesting a gradual but steady decline. It is anticipated that this trend will continue and contribute to an overall narrowing of the population base.

6. Yet at the other extreme, it is notable that life expectancy for Jamaicans, at 69.8 years for males and 73.2 years for females, is comparable to that for the citizens of developed countries. In 2001, approximately ten (10) percent of the population fell within the sixty-and-over age group, which is the fastest growing subset of the population. In and of itself, a graying of the population would typically be indicative of reductions in fertility and mortality consequent on improved education, contraception and health care, but it has already been noted that fertility, although on the decline, is still cause for some concern.

7. Given that the elderly component of the population is gaining in both absolute and relative terms, it is evident that a disproportionate burden is being placed on the working age population. From a state perspective, increased transfer payments for pensions and additional geriatric health care costs will be issues of growing importance. This will be of more concern to women, whose life expectancy is greater and who therefore anticipate a longer post-retirement life, with the challenges of reduced income typically compounded by the health complications of old age and their attendant expenses.

8. A disaggregation of the population by sex shows an essentially equal distribution between males and females. The sex ratio at the end of 2001 was 99.8 males per 100 females.

The Macro-economy

Background

9. The Jamaican economy is essentially based on the free market model that allocates goods and services through the interplay of market demand and supply. There are no restrictions on capital flows or the movement of labour resources and the values of key monetary variables such as interest rates and the foreign exchange rate are also determined through demand and supply.

10. The economy is small and open (heavily dependent on trade) with a relatively narrow productive base emphasizing a few agricultural crops, particularly sugar cane and bananas; some manufacturing based on agriculture, the mining of bauxite, and hospitality services (tourism). Over the years there have been efforts at diversification but the factor of scale and consequently efficiency/cost competitiveness has somewhat inhibited the success of these initiatives.

11. As such, the economy is highly vulnerable to external shocks and world market price fluctuations for its tradable goods and services. The country is essentially a price taker for both its exports and imports.

12. One relatively contemporary factor that has served to counterbalance Jamaica's economic difficulties somewhat is a growth in remittances, i.e. hard currency inflows from Jamaicans resident overseas. This is a consequence of prolonged and steady migration to developed countries particularly the U.S.A., Canada and England. Moreover, the existence of a relatively sizeable "informal" or "underground" economy has been acknowledged as a source/additional source of income and wealth for many Jamaicans.

Recent Developments

13. Around the middle of the nineteen nineties the Jamaican economy, already faced with low real GDP growth rates and high national debt, interest rates and unemployment, was to experience additional difficulties as the financial sector underwent a crisis. This was born of a number of factors including the high interest rate regime that created loan-servicing difficulties for borrowers, low real sector activity and some imprudence on the part of the principals of the locally headquartered financial institutions.

14. By 1998 however, the sector had begun to show recovery due largely to a state-led initiative that involved inter alia, a strengthening of the regulatory and supervisory mechanisms, a significant reduction in the number of banks and near-banks and the assumption of the sector's liabilities by a specially created entity, the Financial Sector Adjustment Company (FINSAC). Additionally FINSAC was mandated to sell the assets of the failed institutions including agricultural holdings and tourism real estate that had been acquired in an aggressive drive for expansion.

15. A notable consequence of Government intervention through FINSAC is the impact on the fiscal budget, as the liabilities of the insolvent financial institutions in effect became Government of Jamaica liabilities, so increasing the fiscal deficit.

16. The September 11, 2001 terrorist attacks on the USA had major repercussions on the island's critical tourism industry, which is the single most important source of hard currency earnings and a significant employer of labour. This event compounded the effects of a downturn in the US and other leading economies, which had already been impacting unfavourably on Jamaica.

17. Current indications are that the tourism industry has started to recover somewhat. However, a number of factors such as continued sluggish performance by the US economy, protracted unrest in Venezuela and the US- Iraqi conflict, which adversely affect both fuel prices and traveler confidence, continue to compromise the prospects for full recovery.

Macro-Economic Highlights

18. Over the period 1998 through 2001, the average annual growth rate of real Gross Domestic Product (GDP) was 0.4 percent. The effects of negative growth in 1998 and 1999 (-0.3 and -0.4 percent respectively) were exactly offset by 0.7 percent growth during 2000. Subsequently, a stronger performance in 2001 saw the economy growing in real terms by 1.7 percent. The leading growth sectors in 2001 were Transport, Storage and Communication (the Information Technology sub-sector specifically), the Financial Sector and Mining.

19. The broad performance trends of GDP over the review period, were highlighted by the Goods Sector experiencing fluctuating fortunes and the Services Sector manifesting a relative steady and positive outcome.

20. The performance of Agriculture, Forestry and Fishing oscillated fairly sharply between growth and decline, largely consequent on extremes of weather as droughts and floods alternated to adversely affect farm output in particular.

21. Mining and Quarrying also manifested distinct variations largely in response to the vagaries of world market conditions and prices.

22. The manufacturing sector exhibited a somewhat more distinct performance pattern as decline in the two earlier years (1998, 1999) was followed by growth in both 2000 and 2001. The latter improvement was chiefly as a result of food processing, beverages and petroleum production. However during the earlier part of the review period, there was some fallout in the Free Zone Areas (garment manufacturing in particular) as manufacturers relocated to lower-cost centers such as Mexico. A critical consequence was the displacement of thousands of low-skilled female employees, some of whom have turned to itinerant vending of small household and personal items.

23. On the other hand, the Services Sector fared far better than its Goods counterpart, with the Financial Services sub-sector being on the rebound from the crisis of the mid-nineties (banking institutions experienced particularly robust growth in 1999 and 2000).

24. Moreover, the Electricity sub-sector benefited from steadily growing demand (albeit largely for consumption purposes) facilitated in part by ongoing efforts to electrify the entire island through the Rural Electrification Programme.

25. **Other Highlights**

Essential positive trends in the Jamaican economy over the review period are enumerated below:

- Single digit inflation has been achieved for five consecutive years. During 2001, the rate of inflation (point-to-point) was 8.7 percent
- The gradual reduction of interest rates with average lending rates at 26.79 percent in 2001 down from 31.67 percent in 2000
- Relative stability in the exchange rate between the Jamaica dollar and the US dollar. At the end of 2001, the exchange rate was J$47.40 = US$1.00 compared to J$45.53 = at the end of 2000
- An unprecedented buildup of Net International Reserves (NIR) to a level of US$1.8bn at the end of 2001. Thus Jamaica now possesses a reasonably effective cushion in the event of a temporary loss of foreign exchange earning capacity, an important consideration for a country that depends heavily on imports

- A slight decrease in the unemployment rate from 15.5 percent at April 2000 to 15.0 percent in April 2001. Notably, unemployment among females declined more than male unemployment toward the end of the review period
- A drop in poverty levels, a critical human welfare indicator, from 18/7 percent in 2000 to 16.9 percent in 2001.

Areas of Concern

26. Despite the gains achieved, a number of factors that have prevailed over the review period continue to be cause for concern as inhibitors of socio-economic development. Moreover, some of these have recently been exacerbated as a result of international developments. The factors are cited below:

- The size of the national debt and the attendant difficulties in servicing it. This is one of Jamaica's most pressing macro-economic problems as the debt, at close to J$600bn., exceeds GDP by some forty (40) percent. Around two thirds of every dollar of Government revenue must be dedicated to repayment of principal and payment of interest, leaving just over thirty cents of the revenue dollar for all other components of expenditure including public infrastructure and social programmes
- Despite undergoing reductions in recent years, domestic interest rates remain relatively high and constitute a disincentive to investment. Moreover, as a consequence of comparatively high domestic interest rates, the domestic component of the national debt is more onerous in terms of servicing interest charges
- Consequent in part on the fallout from September 11, 2001, the foreign exchange rate began to come under some pressure during 2002, particularly the latter part. Given the country's dependence on imports this has implications for the general price level and production costs of goods for export.
- In the context of current international developments, the country's energy use, cited as a factor in the growing deficit on the merchandise account of the Balance of Payments, is a critical consideration. Per capita energy use measured in British Thermal Units (BTU's) has been climbing in recent years, but leveled off at close to 52 BTU between 2000 and 2001. The diurnal energy usage pattern is characterized by a peak consumption period that occurs after working hours indicating that domestic/leisure activity accounts for greater energy consumption than does manufacturing and other productive activity
- Despite its free market posture, Jamaica like other countries, attempts to protect certain vulnerable industries and other productive areas from external competition. However, with the increasing pace of globalization and the attendant progressive removal of artificial barriers to trade, the country will likely come under additional pressure to remove duties and other obstructions to relatively cheap imports. Given factors of scale and efficiency, local producers will be hard put to compete with imports. This has already been cited as a cause for some fallout in employment, particularly in the agricultural and garment sectors, which employ a significant number of women.

Table 1

Selected Economic Indicators 1998 - 2001

Indicator/Unit	1998	1999	2000	2001
Current GDP (J$bn)	254.1	274.3	307.0	334.7
Real GDP (1986 Prices) (J$bn.)	19.56	19.47	19.60	19.94
Real GDP growth (%)	-0.3	-0.4	0.7	1.7
Exports as % Current GDP	19.5	18.4	18.5	17.0
Imports as % Current GDP	46.9	44.4	46.0	41.0
Current Per Capita Income (J$'000)	95.9	103.5	114.6	N/a
Real Per Capita Income (J$'000)	7.4	7.3	7.4	N/a
Inflation (%) (Annual Avg.)	8.7	6.0	8.2	7.0
6-mnth. T/Bill Rate (%)	25.7	20.9	18.1	16.7
Total Govt. Expend. (J$bn)	93.3	102.9	104.2	96.1
Capital Expend. (J$bn)	6.9	8.4	8.5	7.8

Source: Economic and Social Survey Jamaica 2001

Review of the Labour Force

27. As at April 2001, the working age population of Jamaica stood at just over one and three quarters of a million, having grown by ten thousand seven hundred or 0.6 percent (essentially consistent with overall population growth) since the previous April.

28. Also at end-April 2001, the Jamaican labour force numbered some one million one hundred and six thousand persons. This total exceeded the April 2000 value of nine hundred and forty two thousand three hundred persons by seventeen thousand four hundred or 1.8 percent. Hence the rate of growth of the labour force outstripped that of the working age population.

29. The labour force participation rate, which is the labour force taken as a percentage of the working age population was sixty three (63) percent at April 2001, a marginal improvement over the 62.7 percent that obtained for the end of April 2000.

30. With absolute employment levels experiencing some increase, a disaggregation of the total increase by sex reveals that females accounted for about 71 percent of the absolute rise, total female employment having gone up by 12,300 or 3.2 percent from 373,400 at April 2000 to 385,700 by the end of April 2001. On the other hand, the male employment total rose by just 5,100 or slightly below 1 percent, with just three of ten persons contributing to the increase in the employment total being male.

31. The overall unemployment rate was 14.8 percent at April 2001, slightly lower than the 15.5 percent that applied a year previously. For males however, the rate of unemployment, (10.3 percent at April 2001) was appreciably below that for females (20.5 percent, April 2001). While unemployment declined for both sexes (the rate for males having been 10.4 percent at April 2001, that for females 22.1 percent) the trend was slightly in favour of females who enjoyed a greater reduction in unemployment Nevertheless, the differential remains considerable with only one in ten males jobless as against one in five females out of work.

32. Consistent with this situation, the job-seeking rate for females has been notably higher than for males, although this indicator has declined for both sexes. At April 2000, the male job-seeking rate was 4.5 percent but came down to 3.8 percent at April 2001. For females this statistic was 10.5 percent and 8.5 percent for April 2000 and April 2001 respectively. Again, while the improvement has been greater for females, the disparity remains appreciable as the ratio of females to males actively searching for work still exceeds two to one, a figure roughly consistent with the two to one ratio of unemployed females to unemployed males.

33. An analysis of the employed labour force cross-classified by occupational group and sex illustrates the gender bias that exists with respect to spheres of employment. Six occupational categories are defined and within the total labour force, the distribution of employed persons by category is as follows:

1. Clerks, Service and Sales Workers (25.6%)
2. Skilled Agricultural and Fishery Workers (18.6%)
3. Elementary and Other Occupations (17.1%)
4. Craft and Related Trade Workers (16.3%)
5. Professionals, Senior Officials and Technicians (16.1%)
6. Plant and Machine Operators (6.3%)

34. For the male component of the labour force, "Skilled Agricultural and Fishery Workers" is the largest single grouping, with just over one quarter of employed Jamaican males being occupied in this sphere. Next in rank is "Craft and Related Trade Workers" which accounts for slightly less than one quarter of employed males. Thus together, these two groupings provide occupation for half of the employed male labour force. A complete ranking, in descending order, of the employed male labour force by occupational category is as follows:

1. Skilled Agricultural and Fishery Workers (26.0%)
2. Craft and Related Trade Workers (24.0%)
3. Clerks, Service and Sales Workers (14.4%)
4. Elementary and Other Occupations (13.9%)
5. Professionals, Senior Officials and Technicians (12.3%)
6. Plant and Machine Operators (9.4%)

35. Within the female ranks of the employed labour force, the distribution of occupations among the six categories is far less even, a situation reflective of the relative exclusion of women from certain spheres of employment and a greater concentration in relatively low-skilled low-paying jobs.

36. Only around eight (8) percent of the active female workforce are classified as "Skilled Agricultural and Fishery Workers" as against twenty six (26) percent of employed males. There still exists in Jamaica a traditional perception that tends to define women in agriculture as "farmers' wives" rather than farmers in their own right (the women themselves may subscribe to this notion and report their status as farmers' wives/assistants). Hence, for that reason, the possibly of some under-reporting of the number of women in the "Skilled Agricultural Workers" stratum does exist, but it is not possible to substantiate this in the absence of reliable data on the sex composition of the island's farming population. This deficiency recognized as an impediment to analysis and policy formulation in the interest of recognizing and furthering women's contribution to this vital sector.

37. The category "Clerks, Service and Sales Workers" accounts for two fifths of the employed female workforce but less than one fifth of their male counterparts, while "Elementary and Other Occupations" represents another fifth of the female working population but little over a tenth of employed males. Only about two out of every hundred employed females are "Plant and Machine Operators" in contrast to nine of every hundred men, illustrative of the entrenched bias against female participation in technical endeavours.

38. Yet at the other end of the spectrum, close to twenty two (22) percent of employed women fall among the "Professionals, Senior Officials and Technicians," as against just over twelve (12) percent for men, a phenomenon indicative of the academic and professional advances being made by Jamaican women in recent years. A ranking, in descending order, of the employed female labour force by occupational category is set out below:

1. Clerks, Service and Sales Workers (41.7%)
2. Professionals, Senior Officials and Technicians (21.6%)
2. Elementary and Other Occupations (21.6%)
4. Skilled Agricultural and Fishery Workers (7.9%)
5. Craft and Related Trade Workers (5.3%)
6. Plant and Machine Operators (1.9%)

39. An assessment of employment by region reveals that unemployment was highest in rural towns, although a decline in the rate from 21.6 percent at April 2000 to 18.7 percent a year later was evidenced. The unemployment rates in the chief urban center, the Kingston Metropolitan Area (KMA) and the rural areas were the same (14.3 percent) at April 2000 but diverged somewhat with a slight deterioration to 14.7 percent in the KMA and an improvement to 13.5 percent in the rural regions by April 2001. There was no indication that unemployment differentials between men and women varied appreciably from region to region.

PART II

Article 1- Definition of Discrimination Against Women

For the purposes of the CEDAW Convention, the term "discrimination against women" means any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

40. The Convention defines discriminatory practices to include "any differentiation, whether by way of distinction, exclusion or restriction, on the basis of sex, which aims or has the effect of preventing or hampering the enjoyment by women, whether married or unmarried, of their human rights to the same extent as men." (Assessing the Status of Women 1996: 11)

41. Chapter 3 Section 13 of the Jamaican Constitution provides that every person, regardless of race, place of origin, political opinions, colour, creed or sex is entitled to certain fundamental rights and freedoms. These include: the right to life; the right to personal liberty; freedom of movement; freedom from inhuman treatment; enjoyment of property; freedom of conscience; freedom of speech; freedom of association; respect for privacy and family life.

42. The provisions of the Jamaican Constitution which prohibits discrimination are to be found in Section 24(1). The Jamaican Constitution declares that "no law shall make any provision, which is discriminatory either of itself or its effect." Section 24 (2) provides that no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of functions of any public office or any public authority" (1962: 28). The protection from discrimination afforded by Section 24(1) and (2) of the Constitution is subject to the exceptions contained in subsections (4) and (5).

43. In Section 24 (3) of the Constitution, the word "discriminatory" if defined to mean "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another description." (1962: 28).

44. The absence of the word "sex" from the definition of discriminatory in section 24(3) of the Constitution, prevents a person from invoking the Constitutional remedies where discrimination has occurred on the basis of sex.

45. Representations have been made by the Bureau of Women's Affairs and other women's organizations, for an amendment to the section, to include the word "sex". There is a new Charter of Rights Bill that will repeal and replace Chapter III of the Constitution. The Bill has been referred to a Joint Select Committee of Parliament for consideration. Clause 13(3)(h) of the Bill essentially recognizes a right to freedom from discrimination on a number of specified grounds. Sex is identified as one of the grounds on which a person could be discriminated against. In the future, therefore, constitutional redress could be sought where there has been an infringement of a person's right to freedom from discrimination on the basis of sex.

46. The Bill also does not use gender-neutral language. For instance, Chapter III Section 14-2 states, "Any person who is arrested or detained shall have the right to communicate with and be visited by ***his*** spouse, partner or family member, religious counselor and medical practitioner of ***his*** choice" (An Act to Amend the Constitution of Jamaica to Provide for a Charter of Rights and Freedoms and Connected Matters 1992: 8).

47. Section 4 of the Interpretation Act uses the masculine gender generally to include the feminine. It is being recommended however, that the use of "person" to indicate the inclusion of both men and women be applied.

48. Presently, the constitutional provisions regarding discrimination, relate to actions by the State and State agents. These provisions do not apply to private individuals.
However, under clause 13(n) of the new Charter of Rights Bill, in addition to the public domain, the Constitution will apply to private and domestic spheres of life. That is, the Constitution will also "bind natural or juristic persons if, and to the extent that, it is applicable, taking account of the nature of the right and the nature of any duty imposed by the right."

Article 2 Obligations to Eliminate Discrimination

State Parties condemn discrimination against women in all its forms, agree to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women and, to this end, undertake:

- To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women

- To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.

49. Bureau of Women's Affairs has completed a comprehensive review of forty-two (42) pieces of legislation, including section 24 (3) of the Constitution of Jamaica, to bring them in line with international conventions and treaties. Through the review of the legislation, Jamaica has attempted to address the modification of customs and practices that resulted in discrimination against women and address the gaps in proposed legislation. This section will address these gaps with regard to specific legislation including the Employment Act, Domestic Violence Act, Equal Pay Act, Maternity Leave Act, and the Incest (Punishment) Act.

Employment (Equal Pay for Men and Women) Act 1975

50. This Act provides for the provision of equal pay for equal work carried out by male and female employees in the same establishment. In section 3(2) the fine of a maximum of two hundred dollars (J$200) initially and twenty dollars (J$20) for each continuing day of the offence, on conviction for an offence under the Act, should be substantially increased to reflect current price and cost levels. Moreover the discriminatory practice of the use of different titles for the same job being performed by both sexes with males being accorded the obviously more important title, needs to be legislatively prohibited." (Review of Jamaican Legislation Affecting Women in Jamaica 2000: 22).

The Women (Employment of) Act 1942

51. This Act prohibits employment of women in night work except in specified circumstances. This is an old Act, the provisions of which have outlived its usefulness and may need to be repealed.

Domestic Violence Act 1995

52. The Domestic Violence Act was passed in 1995, with a view to providing additional remedies for the victims of domestic. The passage of this Act allowed for domestic violence to be specifica'ly recognized, as well as for the provision of civil remedies, such as injunctive relief and awards of damages, which had not been previously available under the law. Presently therefore, victims can have recourse to a wide range of remedies from both the civil and the criminal law.

53. Experience since the operation of the Act, has indicated certain shortcomings in relation to which amendments are being sought to be made.

54. The proposed amendments seek to expand the definition of child, to ensure the protection of any person under the age of eighteen (18) years, who happens to be in the household, whether biologically connected to any adult present or not.

55. Coverage of the Act is also being extended to persons in visiting relationships, even though they do not actually cohabit.

56. Recommendations have also been made for the amendment of the Law of Evidence to make spouses compellable witnesses in domestic violence proceedings and to provide for mandatory reporting of child abuse cases, by health and other child care professionals. The latter concern is being addressed by the provision of the new Child Care and Protection Bill which makes it mandatory for these professionals to report suspected cases of child abuse to the Police.

Incest (Punishment) Act 1948

57. The Incest (Punishment) Act makes it a criminal offence for a man to have sexual intercourse with his granddaughter, daughter, sister or mother, knowing of their relationship, or for a woman to permit the corresponding male relatives to have sexual intercourse with her, knowing of the relationship.

58. It is recognized that the categories of prohibited relationships are too narrowly defined, having regard to the reality of Jamaican family and living arrangements. Proposed amendments to the Incest (Punishment) Act, are therefore being sought in order to extend the categories of prohibited relationships to include stepparents, other relatives and to increase the penalties for the offence of incest.

Offences Against the Person Act 1864

59. The Bill entitled "An Act to Amend the Offences against the Person Act seeks to amend the Principal Act to make provisions relating to rape and other sexual offences more relevant to present day reality. The Bill seeks to:

- Broaden the definition of rape to include sexual violation by means other than vaginal penetration by the penis

- Provide for the recognition of the offence marital rape as a statutory offence
- Putting away the requirement for a Judge to give a warning regarding the danger of convicting an accused in the absence of corroboration of the complainant's evidence in rape and other sexual cases
- Not taking into account the complainant's sexual history

Sexual Harassment in the Workplace

60. Currently there is no recognition of sexual harassment in any of the Jamaican laws. Sexual harassment in the workplace occurs frequently in Jamaica and has to be legally addressed for the protection of women who are largely the victims of acts of harassment (Review of Jamaican Legislation Affecting Women in Jamaica 2000: 88).
At present, the government is considering the formulation of an official policy against sexual harassment, and the enactment of legislation on the subject.

Article 3: The Development and Advancement of Women

State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

61. Steps including legislation continue to be taken to encourage the full integration of women in the development process and to ensure their enjoyment of human rights and fundamental freedoms on the basis of equality with men.

62. In regards to women having equal access to own property, Sections 16 and 17 are proposed to be repealed by the Bill entitled "the Family Property (Rights of Spouses) Bill 1999 which when enters into force will address all issues relating to matrimonial property.

63. Notwithstanding the above, Section (11) of the Act speaks to fraudulent investments by a wife of her husband's money without his consent. "It is strongly recommended that this Section be amended to include similar provisions where a husband invests his wife's money fraudulently or otherwise without her consent" (Review of Jamaican Legislation Affecting Women in Jamaica 2000: 53).

Article 4: Acceleration of Equality between Men and Women

Adoption by State Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity, shall not be considered discriminatory.

64. Please refer to Article Eleven (11) on Employment for detailed information on Maternity Protection and Occupational Safety guidelines.

Article 5: Sex Roles and Stereotyping

State Parties shall take all appropriate measures:

- To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customs and all other practices which are based on the idea of inferiority or the superiority of either of the sexes and stereotyped roles for men and women;

- To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it is being understood that the interest of the children is the primary consideration in all cases.

65. Gender stereotyping is a strong and pervasive influence in Jamaican society, crosscutting social and economic boundaries. Historically, there have been sharply defined notions of the roles that men and women play and in general, there is still evidence of this mindset.

66. The phenomenon of gender stereotyping is institutionalized through a number of socio-economic and cultural agents, which include the family, the education system, the church and the media.

67. The Government of Jamaica, through the Bureau of Women's Affairs, continues to spearhead a process to re-orient the various agents of influence in the society with regard to gender stereotypical roles and perceptions.

The Family

68. Within the family structure, males are typically oriented to operate with a perceived sense of entitlement to power, authority and resources. To a great extent this socialization stems from the historically embedded notion of the male as head of household, breadwinner and provider.

69. To be masculine, by definition, dictates that the three following prerequisites be in place:

- Sexuality/sexual prowess is an important yardstick. Its expression entails multiple sexual relationships, at least some of which must result in offspring
- Ability to provide protection and material support to family is imperative
- Legitimacy to exercise authority over women and offspring, derived from wherewithal to be the protector and provider.

70. Living up to these gendered expectations proves particularly difficult to economically disadvantaged men.

71. The stereotypical role of women as nurturers and caregivers is still dominant. However, by assigning predetermined roles to their male and female children, women are themselves instrumental in perpetuating the system. Nevertheless, through economic necessity and changing cultural trends, more women are assuming a relatively dominant posture as material providers and even as de jure heads of household. Consistent with this modification of mindset about status and behaviour, higher numbers of men are now assuming an active role in the domestic sphere through nurturing of children and other family responsibilities previously deemed to be the sole preserve of women.

The Education System

72. The education system is a reinforcing agent of sex stereotyping. Historically, boys were streamed to take subjects that were generally accepted to be appropriate for males. By and large these were technical/scientific subjects entailing more quantitative rigour. The consequence is that boys were better equipped to be numerate, consistent with a dogma that they were naturally better at mathematics.

73. By contrast girls were directed along paths that led to domestic competence and literacy, with a focus on the humanities or "arts."

74. Thus the education system facilitated differential occupational/professional placement resulting in women dominating "soft" areas such as nursing and teaching (in effect, still being nurturers and caregivers) and men commanding the technical and industrial spheres.

75. Another dimension of the occupational/professional divide is that the jobs toward which females are oriented generally offer lower remuneration, which places them at a disadvantage relative to men.

76. Aside from the structuring of curricula along gendered lines, there is empirical evidence that the educational system was from the outset tailored to preserve social cleavages.

77. At the secondary and tertiary levels education to the lower classes is more of a technical/vocational nature, whereas for those in the upper socio-economic brackets, the educational agenda is geared toward professional/managerial attainment.

78. A critical manifestation of the patriarchal perspective as it influences school administration, is the differentiation of students by sex, for purposes of registration, seating, queuing and structuring of time-tables (creation of time-table "clashes" between subjects that are distinctly female-oriented and male-oriented so as to effectively prevent each sex from pursuing a course deemed to be appropriate only for the other). The effect is sufficiently far reaching as to create two de facto same sex schools within a given co-educational institution.

79. With both students and teachers subscribing to stereotypical notions of male and female behaviour, school routines and rituals reinforce gender stereotypes. As an example, at the primary level, boys are usually responsible for moving furniture, running errands and tending the school garden, while girls are typically assigned the indoor or "domestic" tasks of sweeping and dusting.

80. Textbooks at both the primary and secondary level depict stereotypical images of girls and women and show them in a negative light. Women are invisible in most of the texts (Bailey 2000). Sexism is manifested through the use of language and masculine words frequently are used to represent females also. When they do appear, women play subordinate or menial roles. The textbooks present an image of women that solely revolves around their roles as mothers and housewives and conceals their roles as producers. In general, the texts fail to present the contributions of women to the development of the Caribbean and to impart a sense of value and self-confidence to girls.

81. Professor Verne Shepherd's latest published work ***"Challenging Masculine Myths: Gender, History, Education and Development in Jamaica"***[i] pointed out that generally in all history texts, males are portrayed as authority figures and leaders in the Caribbean and politics is seen as a male preserve.

Violence, Media and Gender Roles

82. Jamaica is no different from the rest of the western world as regards the use of the female body as an advertising tool. The female form is displayed as a means to promote every conceivable product. Over the review period, the Bureau of Women's Affairs and women's NGOs, in particular Women's Media Watch, have had occasion to formally protest the content of some electronic media advertisements that capitalized on sexual stereotyping.

83. Gender stereotypes of men and women continue to be a part of the local media landscape. In a study conducted by the Women's Media Watch in 1995, women were much more likely to make the news as victims, in contrast to their under-representation in other news. One out of every five

women appearing in the news was portrayed as a victim of some misfortune, whether accident or crime.

84. With significant growth in the number of electronic media houses in recent years, one aspect of popular contemporary culture, namely dance hall music, has been accorded considerable promotion and publicity. The lyrics typically glorify violence and demean women, often depicting them as subjects of male aggression and objects of sexual gratification. It is often in connection with violence that men's sexuality is portrayed. In some quarters it is argued that dance hall culture fashions and reinforces male/female power relations that are disadvantageous to women.

Efforts to Eliminate Gender Stereotypes

85. The following is a list of initiatives being pursued by Government agencies and NGOs to address the issue of gender stereotyping and its consequences:

- The Women's Crisis Centre offered support services to victims of gender based violence and carried out public education programmes aimed at behaviour modification and improving sensitivity in dealing with victims of abuse. A "Changing Male Attitudes Project" to counter beliefs and myths which often result in gender-based violence, was also introduced by this institution.
- The Women's Construction Collective (WCC) facilitated training for low-income women in the field of construction. This initiative sought to address the critical issue of vocational gender stereotyping.
- The Bureau of Women's Affairs conducted various workshops in the judicial and educational systems to sensitive staff and students to the causes and effects of gender-based violence.
- The Inter-Agency Campaign on Violence Against Women and Girls conducted a media symposium to sensitize media functionaries and cable television operators to adverse social effects of stereotypical sexual portrayals of females in the media.
- The Centre for Gender and Development Studies is currently undertaking a research project to identify the root causes of gender-based violence in Jamaica with a view to informing public education programmes and interventions aimed at reducing the occurrence of gender-based violence.
- Women's Media Watch conducted workshops, multi-media presentations and seminars on; gender sensitivity training; understanding gender violence; media literacy and media analysis; media, gender and violence; media influences on youth; and self-esteem and life skills.
- Module for Teacher Education – which looks at Gender Issues in Caribbean Education, developed by the Centre for Gender and Development in collaboration with CARICOM. This is mandatory reference material in all teacher-training institutions.

Article 6 – Exploitation of Women

State Parties shall take all appropriate measures including legislation to suppress all forms of traffic in women and exploitation and prostitution of women.

Violence Against Women and Girls/Gender Based Violence

Trafficking in women and girls

86. Trafficking in women and girls for purposes of the sex trade, and sex tourism are issues that are regarded as violence against women and girls. Examples of trafficking include forced prostitution, bonded labour and servile marriage. The main victims of trafficking and sexual abuse are women and children. The use of women and girls in international prostitution and trafficking networks is often linked in some way to organized crime. Women and girls who are subject to trafficking and sex tourism, face increased risk of being further violated, unwanted pregnancy and sexually transmitted infections (STDs including HIV/AIDS).

87. Jamaica is a party to the following conventions:

(i) International Convention for the Suppression of the White Slave Traffic. (Paris 1910) amended by the 1949 Protocol.

(ii) International Agreement for the Suppression of the Traffic in Women and Children (1921) amended by the 1947 Protocol.

(iii) Convention for the Suppression of the Traffic in Women of full age, 1933.

88. The Jamaican Government, in order to address the question of violence against women and girls and other pertinent women's issues, is guided by the following policy documents:

- 1987 National Policy Statement on Women
- The Beijing Platform for Action – 1995
- The United Nations Convention on the Elimination of All Forms of Violence Against Women (CEDAW)
- Human Rights Convention
- The Convention on the Rights of the Child
- International Labour Organization (ILO) Convention

89. In Jamaica prostitution is still not generally socially acceptable. The law relating to violence against women, including rape (Offences Against the Persons Act) applies equally to women prostitutes. In actual practice however, these women may be ridiculed or paid little attention by even

police officers when such offences against them are reported. A recent research project (2001) on commercial sex work in Jamaica entitled: "HIV/AIDS Prevention and Education for Commercial Sex Workers (CSW's) in Jamaica" did confirm that sex workers are at great risk of being battered, raped and killed.

90. Prostitution is illegal In Jamaica and is addressed in legislation that pertains to soliciting and loitering under the Vagrancy Act (which is now repealed) and Loitering laws. The repealed Vagrancy Act has been superceded by legislative amendments to the Tourist Board Act and the Town and Communities Act. These Acts allow for criminal charges to be levelled against persons who are guilty of indecent exposure, loitering in a public place, soliciting for prostitution and using threatening or abusive language.

91. Sex tourism is not officially endorsed and in the absence of formal recognition of its existence, there is no legislation to deal with it. Measures have been taken however, to increase security patrols in tourist resort areas so as to reduce tourist harassment, prostitution and other forms of related crimes.

92. According to research findings cited in "Sun, Sex and Gold, Tourism and Sex Work in the Caribbean,"[ii] not only are women involved in the trade but increasingly children are also being co-opted into prostitution due to factors that include the appeal of tourism, poverty, family violence, and distorted values. These children are sometimes found in massage parlours and lured away by the promise of material goods and a 'good life' by men known as 'sugar daddies.' The study also reveals that some children are used in pornographic photographs, video productions and live sex shows. Many of these children are girls below the age of twelve (12) years hence this contravenes the laws of Jamaica as they relate to both carnal abuse and labour issues.

93. A rapid assessment study conducted by the International Labour Organization (ILO)[iii] indicates that tourist resort areas are a hotbed for sex workers. Commercial sexual exploitation of a number of children under eighteen (18), and some as young as ten (10), was identified. The involvement of these minors in the trade includes employment in night ("go-go") clubs, brothels and massage parlours for purposes such as exotic dancing and sexual patronage. A gender breakdown on children involved in this activity indicates that girls were exploited relative to boys in a ratio of 7 to 3.

94. As noted above, males are by no means exempt from the sex trade, and male sex work is growing both in the tourist and urban areas. A recent article in one of the leading newspapers revealed that "gigolos are something Jamaica's tourism has never been short of.' Increasingly a number of young boys are also now involved in the sex trade selling sex for money to meet their basic needs.

95. Recent research[iv] conducted by Campbell and Campbell (2001) indicated that the commercial sex work phenomenon in Jamaica is dynamic, complex and multi-dimensional. Some of the findings of this study confirmed that sex tourism is big business and has become so popular that tourists have been investing heavily in Jamaican sex workers, many of whom get the opportunity to travel overseas

to Amsterdam, London and Hamburg, popular sex tourist destinations, to work. The study also revealed that tourists also come to Jamaica to sell sex themselves. It is estimated that 2,000 to 2,500 Jamaicans are involved in the lucrative sex tourism trade, which makes use of facilities ranging from small bars to upscale hotels.

96. The Senior Medical Office with responsibility for HIV/STI Programme at the Ministry of Health also pointed out in this report that sex tourism is of major concern as many encounters are without condoms.

97. The converse holds true whereby foreign female tourists also participate in the sex tourism trade. In a Newsweek article[v] of July 2002, a sociologist of Warwick University in England cites research findings in which, of a total of two hundred and forty (240) female tourist polled in resorts in Jamaica and Dominica, one third indicated they were involved in one or more sexual relationships with local men while on vacation. Many of these women were repeat visitors who were either married or single women in their 30's or 40's.

98. Recommendations put forward in ILO/IPEC studies to deal with the issue of sex tourism and child labor suggested that the policies of the Government of Jamaica should focus on:

- Prevention
- Rehabilitation
- Providing free education and attention to children at particular risk and
- Taking account of the special needs of the girl child

99. A multi-faceted approach was called for to involve the following ministries and agencies:

- Ministry of Tourism and Sport
- Bureau of Women's Affairs
- Ministry of Health – Child Support Unit, HIV/AIDS Programme and the Jamaica AIDS Support (JAS)
- Ministry of Labour and Social Security
- National Poverty Eradication Programme in the Office of the Prime Minister
- The Human Resource Employment and Training Programme and the National Training Agency (HEART/NTA)
- Jamaica Movement for the Advancement of Literacy (JAMAL)
- The Statistical Institute of Jamaica (STATIN)
- Jamaica Constabulary Force (Police)

100. The Senior Medical Officer with responsibility for the HIV/STI Programme at the Ministry of Health has pointed out that sex tourism is of major concern as many encounters are without condoms.

101. The Ministry of Health and a number of NGO's, including the Jamaica Aids Support (JAS), in recognition of the hazards of sex tourism and the high-risk status of sex workers, have been at the forefront providing the necessary support, advice and counseling for sex workers. Both the Ministry of Health and the JAS operate drop-in-centers.

Domestic and Sexual Abuse

102. Within the review period, crime and violence continued to plague the Jamaican society, and during the year 2002, over one hundred and twenty (120) women and children were murder victims. Violence against women also ranked high while sexual abuse and domestic violence were prevalent.

103. Domestic violence cases totaled fifteen thousand four hundred and forty (15,440). Nearly three quarters (71%) of reported cases occurred in the rural areas of Jamaica. The spatial distribution of domestic violence is somewhat different from that of violent crime (including murder), which is concentrated in and around urban centers, especially the capital Kingston. While the concentration of violent crimes in urban centers is typical, the more even distribution of domestic violence indicates that it cuts across all social, economic and geographic boundaries.

104. The age of consent is sixteen (16) years, and sexual intercourse with a boy or girl below that age is a criminal offence. A recent newspaper report pointed to the rise in rape and sexual abuse of girls below the age of consent with police statistics indicating that three hundred and six (306) males were arrested for carnal abuse in 2001.

105. Another disturbing trend in sexual violence is the exploitation of women and girls through rape that occurs in some inner city communities (so-called "garrison" communities). Many families are threatened and terrorized if they do not hand over their teenaged girls to community leaders known as 'dons' who demand sex.

106. The situation was highlighted and discussed in the Jamaican media in September of 2000 when a number of women's NGO groups formed a Women's Manifesto Committee 2002. A manifesto entitled ***"Healing the Nation: Women's Manifesto for the Prevention of Sexual Injustice,"*** which cited the ratification of several United Nations conventions (including CEDAW) and Government's commitment to these instruments, was developed. Several actions were called for, including introduction of a state-funded public education programme aimed at preventing rape and sexual crimes as well as providing for the training and deployment of community development officers, social workers and counselors to work in these communities.

107. Statistics from the Government's National Aids Committee confirm that sexual abuse of girls is on the increase and this is contributing to a significant rise in the incidence of infection cases among young girls, who are three to six times more likely to be infected by HIV than their male counterparts. The following table shows the annual incidence of rape and carnal abuse for the years 2001 through 2002.

Table 2

Incidence of Rape and Carnal Abuse

	2001		2002	
Offences	**Reported**	**Cleared Up**	**Reported**	**Cleared Up**
Rape	**776**	**239**	**767**	**226**
Carnal Abuse	**451**	**199**	**424**	**203**
Incest	**40**	**21**	**62**	**32**
Indecent Assault	**276**	**128**	**243**	**118**
Buggery	**39**	**17**	**45**	**17**
Attempted Rape	**14**	**3**	**14**	**6**
Assault with Intent to Rape	**49**	**27**	**57**	**33**
Gross Indecency	**4**	**3**	**0**	**0**
Total	**1649**	**637**	**1612**	**635**

Source: Police Department, Statistics Division

108. Between 2000 and 2001, the majority of visitors (of all ages) to accident and emergency departments for sexual assault, were female. There was a 6.4% increase recorded in female visits for sexual assault in 2001 when compared with 2000, while visits by males decreased by 30.6%.

109. There has been a steady decline in the number of carnal abuse cases reported since 1997 and for 2001 the figure was 41.0 percent less than the 1997 figure. The number of cases of incest reported in 2001 was the highest since 1997, totaling eight more than for the year 2000. There were eight cases of infanticide in 1997 as against five cases each in 1998 and 1999.

Measures and Initiatives to Combat Violence Against Women

110. Several initiatives to raise awareness and increase sensitivity on the issue were conducted throughout the review period. The Bureau of Women's Affairs in its efforts toward gender mainstreaming on issues on violence against women and girls pursued several programmes and initiatives. Women's NGOs and other agencies have also contributed to raising awareness and increasing the sensitivity of the public at large to this critical malady. Key sectors included the

police, the judiciary, the media, teacher's colleges, schools, civic groups, churches and places of safety. Programmes to address gender-based violence included:

- An Inter-Agency Campaign on Violence Against Women and Girls, which involved a collaborative approach among several agencies such as the Bureau of Women's Affairs, Woman Inc. Crisis Centre, SISTREN Theatre Collective, Fathers Incorporated and Women's Media Watch. Funding was received from the UN agencies as well as from the Canadian International Development Agency (CIDA) and the Netherlands Government.

  The campaign focused on work with the police; conveying the message of domestic violence and sexual abuse through dramatic presentations; sensitizing media functionaries; conducting justice system workshops with lawyers, resident magistrates and clerks of the court; and conducting chat sessions with children in places of safety and girls from the Women's Centre Foundation of Jamaica.

- The production of videos with strong messages on incest and domestic violence. These films, entitled "Hope Deferred" and "Starting Over," were produced by the BWA and were shown on national television so receiving wide viewership. Videos have also been made available to be shown in schools, churches and in support of community outreach efforts.

- Workshops and panel discussions to sensitize the media on their responsibility with respect to reporting on issues of violence and sex in the media were also conducted.

- Training of Trainers Programme on Domestic Violence Intervention for police began in 2000. Some 100 persons including 33 personnel from the Jamaica Constabulary Force were trained as trainers.

  Domestic Violence Intervention as a topic was added to the training syllabus of the Jamaica Police Academy Basic Training and Probationer Training. To date 642 trainees and 384 probationers have been trained with the help of trainers from Women Incorporated in partnership with the Caribbean Action for Feminist Research and Action (CAFRA).

- In the area of legal reform, the Domestic Violence Act, the Incest Punishment Act and the Offences Against the Persons Act are to be amended to afford more equitable redress. A Sexual Harassment Act has also been proposed.

- The Child Care and Protection Bill which incorporates the provisions of the Juveniles Act, with necessary modifications, also makes provision for inter alia:

  - the establishment of the office of Children's Advocate to act in legal matters on matters on behalf of children
  - the establishment of a central registry for the reporting of abuse of children
  - formulation of standard principles to be adhered to in the determination of matters affecting children
  - parental and state responsibility for the welfare of children

111. The Act is strongly slanted towards care and protection provisions, and once approved by Cabinet will represent a crucial milestone empowering children against abuse, neglect and exploitation. The Act gives reference as to the best interests of the juvenile, which includes their safety, their emotional and physical needs, and the quality of the relationship the juvenile has with parents.

Article 7 – Political and Public Life

State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men the right:

- To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies

- To participate in the formulation of government policy and implementation therefore and to hold public office and perform all public functions at all levels of Government

- To participate in non-government organizations and associations concerned with the public and political life of the country

112. Although women have been making strides professionally and using their educational opportunities to good effect especially over the last decade, they continue to be under-represented at the highest levels of governance, power and decision-making. This under-representation of women is not commensurate with their proven capabilities and invaluable contribution to society.

113. Women's lack of participation and involvement in the process of governance can be observed from the composition of corporate boards in Jamaica which remain male dominated.

Women and Political Participation

114. In 1944 Universal Adult Suffrage was granted to the Jamaican people and no distinction, whether on the basis of social status, property ownership or any other criteria, was made between men and women. Women therefore have the right to vote in all elections on equal terms with men. In the most recent general elections, held on October 16, 2002, of overall voter turnout, females accounted for about fifty one (51) percent, a proportion closely approximating the percentage of females in the general population. This would indicate that there are also no informal cultural/social barriers to women exercising their franchise.

115. In assessing the degree of progress made recently by women in representative politics, it is notable that a precedent - women heading political parties - was set in the period between the 1997 general elections and the most recent national polls conducted in October 2002. A woman assumed the leadership of a political party upon the departure of its incumbent male leader, while another founded a political party. Both parties contested the October 2002 general elections.

116. Of a total of one hundred and seventy-seven (177) candidates who contested the October 16, 2002 parliamentary elections, twenty-eight (28) or around 16 percent were females. In absolute terms, this actually represents a reduction on the thirty-two (32) female candidates who offered themselves for representative service in the 1997 General Elections. Of the twenty-eight (28) female candidates just over a fifth (six) were successful, with three of the six being appointed to Cabinet positions. Table 3 below provides a gender breakdown of representation in the Upper and Lower Houses of Parliament.

Table 3

Percentage of Seats held by Women in Government

October 2002

Position	Males	%	Females	%m	Total
Cabinet	14	82	3	18	17
Senate	17	81	4	19	21
Members of Parliament	54	90	6	10	60

Source: Jamaica Information Service, October 2002

Table 4

Women in Local Government Politics in 1998

Categories	Female	%	Male	%	Total
Mayors	3	23	10	77	13
Deputy Mayors	2	15	11	85	13
Councillors	60	26	167	74	227

Source: Kingston & St. Andrew Corporation, 1998

117. Whereas prior to the October 2002 general elections, there were eight female parliamentarians, the present lower house includes six female representatives.

118. Relative to the previous administration, the Cabinet has gained one additional female member, while the Senate has lost one. However, one newly appointed female Senator also holds the position of Minister of State (Junior Minister) in the Ministry of Finance and Planning. The symbolically important position of Speaker of the House, previously held by a woman, has once again been conferred on a man.

119. Although a female still occupies the post of President of the Senate, women are still given the "softer' Cabinet portfolio ministries. Jamaica has yet to see a female being accorded the portfolio responsibilities of Finance or National Security/Justice. The present Ministers of Education; Local Government/Community Development; and Tourism and Sport are female, a situation essentially consistent with the historical tendency to assign women to portfolios that are more socially oriented and/or "nurturing" by nature.

120. While there has been greater female leadership and participation at the competition stage, this has not translated into proportionate levels of success in actually representing their constituents. On balance therefore, there is no clear indication of women having advanced at the highest level of political representation and power since 1997.

121. Among the factors identified for the relative lack of success were possible inadequate preparation for leadership; lack of political savvy, born largely of inexperience; and financial constraints in light of the reality that women find it more difficult than their male counterparts to mobilize financial support. Moreover, a critical gender factor also comes into play given the multiple roles of women as wives, mothers and professionals. Indications are that female incumbents who lost their seats had experienced difficulties in simultaneously managing their executive portfolios and discharging their responsibilities at the constituency level.

122. There are no plans on the horizon for special temporary remedies to increase the number of women at all levels of government to the thirty percent level as recommended by the UN under the 1995 Beijing Platform for Action. The process would ideally begin at the political party level through a systematic programme of encouragement, training and financial support to women who are desirous of entering representative politics.

123. The Jamaica Women's Political Caucus, an NGO, continues to provide leadership/assistance in the form of training, preparation and financial aid to female political aspirants on a non-partisan basis. In fact, for the recent national elections the Caucus, from its Candidates Fund, was able to grant J$10,000 to each of the twenty-eight female candidates to assist them with their campaign efforts. The Caucus also supports and facilitates the growth of women aspiring to leadership in other spheres of community or public life.

Women in the Public Sector

124. Over the review period, Jamaican women continued to make strides in the sphere of public life. Within the public sector, females continued to enjoy higher levels of employment than males. In fact, at the end of 2001, approximately fifty four (54) percent of Government employees or 55,000 persons were women. At the end of 2002, close to two thirds (63 percent) of Permanent Secretaries were female as against under one half (47 percent) at the end of 2001. Female Heads of Department are also increasing in numbers. Table 4 below indicates the gender positioning of public sector workers who occupied positions at the highest levels of the civil service.

Table 4

Gender Composition of Permanent Secretaries

2000-2002

Years	Permanent Secretaries		
	Male	Female	Total
2000	8	5	13
2001	8	7	15
2002	6	10	16

Source: Office of the Services Commission

Table 5

Gender Composition – Directors General

2000—2002

Years	Directors General		
	Male	Female	Total
2000	n/a	n/a	n/a
2001	1	3	4
2002	0	2	2

Source: Office of the Services Commission

125. At the level of highest decision-making in statutory organizations men continued to dominate. This is illustrated in the following table.

Table 6

Leadership of Selected Statutory Organizations, 1998

Name of Organization	Number on Board	Number of Men	Number of Women
Coffee Industry Board	8	8	0
Jamaica Pub. Service Co.	8	7	1
National Water Commission	9	7	2
JAMPRO	14	11	3
PIOJ	9	4	5
Nat. Investment Bank of Ja.	14	9	5
Total	61(100%)	46(72%)	16(28%)

Source: Jamaica Human Development Report 2000

126. The Central Bank (Bank of Jamaica), a statutory body, has a staff gender distribution resembling that of the civil service. While two of the three positions at the very top are held by males, the remainder of the corporate hierarchy is essentially female dominated save for the very lowest clerical stratum. Indications are that this distribution pattern has been essentially unchanged for the past four years. Table 6 below provides details of staff composition by grade and gender at the end of 2002.

Table 7

Category and Gender Composition of Central Bank Staff

2002

Categories	Male	Female
Executive Management	3	1
Senior Management	8	11
Management	10	18
Middle Management	39	75
Supervisory	69	154
Clerical	42	16

Source: Bank of Jamaica

Justice System

127. Within the justice system, males continue to occupy the leading positions although data for 2000 and 2001 indicate that their female counterparts outnumbered them at the Resident Magistrate level and also as Assistant Deputy Directors, Crown Counsels and Assistant Crown Counsels.

128. With female graduates from the law school outnumbering males, it would appear that women are well positioned to ultimately succeed to the uppermost positions now dominated by men.

Table 8

Gender Composition in the Criminal and Civil Administration of the Justice System

Courts	2000			2002		
	M	F	T	M	F	T
Court of Appeal	7	0	7	7	0	7
Registrar for Court of Appeal	0	1	1	0	1	1
High/Supreme Court Judges	17	8	25	16	12	28
Resident Magistrates Court	20	30	50	18	30	48

Source: Supreme Court, Chief Justice's Office

Table 9

Gender Distribution: Office of the Director of Public Prosecutions

2002

	M	F	T
Director of Public Prosecution	1	0	1
Deputy Director of Public Prosecution	3	1	4
Assistant Director of Public Prosecution	2	4	6
Crown Counsels	6	9	15
Assistant Crown Counsels	2	9	11

Source: Office of the Director of Public Prosecutions

Table 10

Gender Composition of Senior Police Personnel

2002

	Male	Female	Total
Commissioner of Police	1	0	1
Deputy Commissioner	3	0	3
Assistant Commissioner	12	2	14
Senior Superintendent	24	2	26
Superintendent	50	10	60
Deputy Superintendent	124	18	142
Assistant Superintendent	13	8	21
Inspector	342	54	396

Source: Office of the Commissioner of Police

129. Only eighteen percent (18%) of the overall police force is female (implying a roughly four to one male to female ratio) yet as indicated in the above table, at the upper echelons, the male to female ratio is approximately six to one. Thus considering the institution is male dominated, there is reasonable female presence in the management cadre, but notably, at the very highest level, the Commissioner and Deputy Commissioners are all male.

Private Sector

130. Within the private sector, a similar pattern obtains in that there are very few women at the corporate boardroom level, on planning committees and even on school boards.

Table 11

Leaderships of Selected Special Interest Groups, 1998

Name of Organization	Number on Board	Number of Men on Board	Percentage of Men	Number of Women on Board	Percentage of Women
Jam. Manufacturer's Ass.	37	34	92.0	3	8.0
Jam. Employer's Federation	21	18	86.0	3	14.0
Private Sector Org. of Jamaica	12	11	92.0	1	8.0
Jamaica Agricultural Society	30	26	87.0	4	13.0
Jamaica Exporters Assn.	20	17	85.0	3	15.0
Total	120	106	88.0	14	12.0

Source: Jamaica Human Development Report 2000

131. From the above table it can be observed that men occupied eighty eight (88) percent of the top positions on the boards of these organizations hence just about one in ten such positions were occupied by women.

Table 12

Men and Women in Executive Positions in Selected Jamaican Business Firms, 1998

Department	Number of Men	Number of Women
General-Executive	24	10
Finance	28	17
Personnel	6	27

Operations	**22**	**5**
Marketing/Sales C.R/P.R	**10**	**13**
Insurance/Bank Manager	**5**	**11**
Information Technology	**18**	**9**
Professional	**5**	**0**
Senior Administrative	**3**	**35**
Total	**121 (49%)**	**127 (51%)**

Source: Human Development Report 2000

Table 13

Leadership of Professional Associations, 1998

Name of Organization	Number on Board	Number of Men on Board	Percentage of Men	Number of Women on Board	Percentage of Women
Junior Doctors' Assn.	**10**	**4**	**40.0**	**6**	**60.0**
Inst. Of Chartered Accountants	**13**	**9**	**69.0**	**4**	**31.0**
Jamaica Bar Association	**26**	**13**	**50.0**	**13**	**50.0**
Medical Assn. of Jamaica	**18**	**12**	**74.0**	**6**	**26.0**
Prof. Secretaries of Jamaica	**8**	**6**	**75.0**	**2**	**25.0**
Total	**75**	**44**	**59.0**	**31**	**41.0**

Source: Human Development Report 2000

Women in Trade Unions

132. Indications are that the trade union movement is still a male dominated sphere, even though it boasts a 64-year history. While women's involvement at the delegate level is very strong, there is need for a good deal more representation of women at the officer level.

133. Data from the Jamaica Human Development Report of 2000[vi] revealed that on average, men comprised 70 percent of the leadership. In fact, it was pointed out that within the trade union movement, which consists of fourteen (14) unions, men hold the positions of president in twelve (12) unions and general secretary in ten (10) of unions. Table 14 below affords a picture of the leadership structure in the trade unions.

Table 14

Leaderships of Trade Unions, 1998

Organization	Pres.	Gen. Sect.	Board No.	Men No.	% Men	Women No.	% Women
	Gender	Gender					
BITU	M	M	11	10	91.0	1	9.0
TUC	M	M	10	7	70.0	3	30.0
NWU	M	M	27	19	70.0	8	30.0
JALGO	M	F	32	22	69.0	10	31.0
JCSA	M	M	22	8	36.0	14	64.0
JCTU	M	M	27	20	74.0	7	26.0
JTA	M	M	45	20	44.0	25	56.0
USAA	M	M	9	5	56.0	4	44.0
JWU	M	M	5	4	80.0	1	20.0
UUJ	M	M	8	6	75.0	2	25.0
UTASP	M	M	12	12	100.0	0	0.0
JUPOPE	M	M	5	5	100.0	0	0.0
NAJ	F	F	21	0	0.0	21	100.0
UAWU	M	F	25	19	76.0	6	24.0
Total	M=13	M=11	259	157	61.0	102	39.0
	F=1	F=3					

Source: Jamaica Human Development Report 2000

Article 8 - International Representation and Participation

State Parties shall take all appropriate measures to ensure to women, on equal terms with men and, without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

134. At the level of diplomatic representation, women have the same rights and opportunities to represent the Government of Jamaica and to participate in the work of international organizations on equal terms with men. There are no instances where women because of their sex, have been denied an opportunity to represent the country or to participate in the work of international organizations.

135. Selection of participants for such representation is based on a number of factors, which include the individual's expertise, competence, professional experience and qualifications in the particular field.

136. Thirty-five (35) percent of Jamaica's ambassadors serving overseas are women. Seventy-six (76) percent of home-based staff (other than Heads of Mission) serving in Jamaican Missions overseas are women. Women serve in all Missions, at all levels in all professional and non-professional groups in the Foreign Service.

137. Approximately seventy (70) percent of staff (Headquarters and Mission) are women and they are represented in all occupational groups/levels in the Foreign Service. For the past four years, three of the four Under-Secretaries have been women.

138. While the statistics for the number of Jamaican women serving in international organizations are unavailable at this time, there are some organizations, including the United Nations, in which Jamaican women occupy very senior positions. Candidatures submitted on behalf of individuals for membership of bodies of international organizations are based on such factors as expertise, qualification and professional experience of individuals. In cases where international organizations, such as UNESCO and CEDAW specify a preference for women in seeking to fill positions, this is taken into consideration in identifying a candidate.

139. In light of the reality that the majority of applicants to the Foreign Service are women, it is not considered necessary to implement programmes to attract them into the service. [vii]

Table 15

Grades	Level	Women (%)	Men (%)
Heads of Diplomatic Missions		12 2/17	88 15/17
Permanent Secretary Heads of Missions Principal Directors	Executive Management (FSO Grade 8)	44	56
Heads of Missions Directors	Senior Management (FSO Grades 5,6,7)	39	61
Deputy Directors Deputy Heads of Mission Foreign Service Officers	Middle Management (FSO Grades 3,4)	56	27*
Foreign Service Officers	Junior Administration (FSO Grades 1,2)	76	22*

*Existing vacancies account for discrepancies in percentage figures.
Source: Ministry of Foreign Affairs and Foreign Trade

Article 9 – Nationality

State Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

140. Under Chapter Two (2) of the Jamaican Constitution, persons born in Jamaica and persons born outside Jamaica of Jamaican parents have an automatic right to Jamaican citizenship.

141. Women who have married Jamaican men and are former citizens of the United Kingdom and colonies, and who had become naturalized or registered as British subjects in Jamaica, are also eligible to register as Jamaican citizens.

142. Parliament is afforded power under Section Eleven (11) of the Jamaican Constitution to make further provision for the acquisition, deprivation and renunciation of citizenship. The Governor-General is vested with authority under Section Eight (8) to deprive of their Jamaican citizenship, those Jamaican citizens who acquire citizenship or the rights of citizenship of another country.
Source: **"In a Nutshell: The Jamaica Constitution,"** 1962: 2.

143. There has also been an Amendment to the Jamaican Nationality Act (1993), which is relevant to this article. The Act:

i) Provides for the reacquisition of Jamaican citizenship by persons who had renounced such citizenship and

ii) Confers Jamaican citizenship in the case of a joint adoption on an adopted minor where either of his/her adopters is a Jamaican citizen.

144. The provision at (i) is of particular benefit to women with foreign husbands, who have had to relinquish their Jamaican citizenship in accordance with the laws of their husband's country of domicile. The provision at (ii) entitles an adopted child to derive Jamaican citizenship through either his/her adopted mother or father and is a companion measure to the Citizenship Act 1993.

145. With regards to Regulation 9(2) and 9 (7) (a) of the Passport Regulations Act 1962, Jamaica is on par with current international practice, with each individual being required to travel on his/her own passport. This extends even to mother and child cases.

146. Pertaining to the name to be placed in a passport, a woman is at liberty to use her maiden name or any other name(s) that is acquired from marriages. She is however, required to provide appropriate documentary evidence i.e., ***Marriage Certificate (s)*** or ***Divorce Judgments(s)*** along with her ***Birth Certificate***.
Source: Ministry of National Security and Justice, Immigration, Citizenship and Passport Division.

147. All applicants, whether male or female, are required to provide marital information once they are or have been married. In relation to this issue, the practice has outpaced the rate of codification within the laws. Presently, efforts are underway to have these developments codified within the legislative framework through a comprehensive overhaul of the Regulations.

148. The Immigration, Citizenship and Passport Division of the Ministry of National Security has indicated that at the appropriate juncture, input from the Bureau of Women's Affairs will be invited so that these or any other gender related issues may be satisfactorily addressed.[viii]

Article 10 – Education

State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure equality of men and women.

149. The Government of Jamaica has consistently maintained the position that education is a basic human right and has committed itself "To provide a system which secures quality education and training for all persons in Jamaica and achieves effective integration of educational and cultural resources in order to optimize individual and national development."[ix] In keeping with the education policy, the Government of Jamaica in seeking to provide opportunities for the development of the country's social capital has instituted a number of projects and programmes designed to achieve equity, quality, relevance and access. [x] Jamaica's formal education system consists of four levels as established by the Education Act of 1965. These are: Early Childhood, Primary, Secondary, and Tertiary. Government is the main provider of education, but there is also an element of private sector participation.

150. Legislative measures by the Government of Jamaica ensure equal access to education for males and females and provide for free compulsory education for students between six and eleven years of age in grades One to Six in the Primary, Primary and Junior High, and All-Age Schools, as well as private preparatory institutions.

151. The net enrollment rate for 2000/2001 for boys in the public school system for the age group indicated, attained a record high of 94.9 % while for girls the rate was 90.7%. In the public school system, males accounted for 51.1% of the total enrolment, and beyond that level female enrolment exceeded that for males. The overall attendance rate for girls in the Primary/Junior High schools was 84.2%, compared with an 81.6% attendance rate for boys.[xi] Promotion from Primary to Secondary level is facilitated through the Grade Six Achievement Test (GSAT) where girls outperform boys in all subject areas.[xii]

152. Both girls and boys are exposed to the same educational curriculum between grades One through Nine. Beyond Grade Nine, students are allowed to select the subjects of their preference. Some level of gender bias is evident from the choice of subjects as girls are still over-represented in the humanities and boys in the sciences.
For example, looking at the Caribbean Examinations Council examinations (CXC) as a route to certification, the data indicate that there are fewer boys taking these exams. Of the boys sitting these subjects, the majority are clustered in the sciences and dominating in Physics.

153. Cross-timetabling (simultaneous teaching of particular subjects, necessitating choice on the part of the student), parental influence, peer pressure and socialization are some of the factors contributing to gender bias. **See Article 5 on Sex Roles and Stereotyping, page 19.**

154. The overall literacy rates for males and females between ages 15-24, 25-44 and 45 and over, at the end of 1999 are as follows. These figures represent island- wide standings.

Table 16

All-Island Literacy Rates (%) by Sex and Age Group

	15 – 24	25 – 44	45 and Over
Female	**96.05**	**92.20**	**70.36**
Male	**86.90**	**78.60**	**58.60**

Source: Adult Literacy Survey 1999

155. The level of literacy among males between ages 15 and 39 is well above the national average of 74 percent. For instance, among males 15 to 19 years old, the rate is 88.6 percent, while in the 35 to 39 age bracket just under 80 percent of Jamaican males are functionally literate. For men aged 40 to 44 years, the literacy rate is about on par with the All Jamaica average of 74 percent. Beyond that age group, the literacy rate declines consistently with age. For example, just some 58 percent of men between ages 55 and 59 were literate while only about four in ten Jamaican males over seventy-five years could read and write.

156. Among the female population, the gap between its literacy levels and the national average is positive for a broader age range. In the 15 to 19 age group female literacy was just over 97 percent, declining to 89.3 percent among 40 to 44 year old women. This is in contrast to males in that age group whose literacy rate matched the all-island mean of 74 percent. The literacy rate for women equates with the national average somewhere within the 55 to 64-year age bracket, at some ten to twenty years older than for men. Moreover for women, the drop below the national mean is somewhat less precipitate for higher age groups than is the case for men. For the 75-and-over age group, while only five of ten Jamaican women were functionally literate, this still represented a higher ratio than the four in ten for their male counterparts.

157. For both males and females a strong inverse relationship between age and literacy is evidenced. However the literacy rate for women exceeds that for men at every age group, with the greatest disparity occurring in the 55 to 59 age range in which women enjoyed a 15 percentage point advantage.

158. This distinct trend for both sexes is indicative of greater achievement of literacy nationally over time, with the younger population groups benefiting progressively from educational opportunities. It also points to the female population having consistently taken greater advantage of these opportunities for some considerable time.

159. Presently all secondary schools offer a common curriculum to grades 7-9. At the upper secondary level, students are exposed to academic as well as technical vocational subjects.

160. The education system is structured that students are allowed to opt for the subjects of their choice. While there is no official or formal sex differentiation, culturally there exists a level of conditioning that steers females essentially along the paths of the humanities, while boys are oriented in the direction of technical/scientific pursuits. This is borne out by recent research findings that females still dominate the humanities and the domestic and business subjects.[xiii] This trend is also reflected at the tertiary level as indicated from data from the University of the West Indies, where females dominated the arts/humanities.[xiv]

161. The following table shows a percentage breakdown by sex, of graduates in various fields at the University of the West Indies Mona, for the year 2000. These figures represent the percentage of the total number of graduates in the respective spheres of study. The gender distribution of the student body remained unchanged in 2000, with females outnumbering males in the respective fields of study, except for the historically male dominated faculties of Engineering and Agriculture. Below are the percentages.[xv]

Table 17

UWI Graduates by Sex

Year 2000	Male	Female
Medicine	37.5	62.5
Engineering	82.0	18.0
Law	14.0	86.0
Social Sciences	26.0	74.0
Agriculture	71.0	29.0
Natural/Applied Science	92.0	58.0

Source: University of the West Indies Official Statistics 1999/2000

Award of Scholarships

162. No gender bias exists in the consideration of scholarship awards unless specified by institutions, groups or individuals making such awards. In general, awards are available based on criteria such as academic and/or athletic achievement, depending on the nature of the scholarship/fellowship. The Ministry of Finance and Planning awards grants locally based on availability of funds to public sector employees who qualify. In 2001, there were two hundred and twenty seven (227) awards, distributed fairly evenly between males and females (117 to women and 110 to men).

Adult Education

163. No official up-to-date statistics are currently available, but informal indicators are that the proportion of women to total number of students enrolled in adult education and literacy programmes is approximately sixty six percent (66%). In terms of actual numbers, there are about twelve thousand (12,000) persons enrolled in this programme, of which some eight thousand (8,000) are women.[xvi]

164. Therefore twice as many women as men are availing themselves of this educational opportunity, a situation that bears out the male-female differentials in literacy rates as cited previously.

165. The Government of Jamaica has developed a High School Equivalency Programme (HISEP) in collaboration with the Jamaica Movement for Advanced Literacy (JAMAL) Foundation and the Human Employment and Resource Training Trust/National Training Agency (HEART Trust/NTA). This is designed to provide additional educational opportunities for persons who have left the education system without certification.[xvii] The Ministry of Education Youth and Culture in partnership with the Division for International development (DFID), UK, have begun the first phase of a programme to establish Literacy Centres in two colleges to achieve the following:

- An advanced Literacy Studies Programme
- The improvement of pre-service Literacy Programmes
- The development of consultative services to primary school teachers
- The development of the colleges' capacity to undertake action research in primary school

167. There are other programmes that can benefit females who leave school before school leaving age as a result of financial constraints or pregnancy. These include training offered by the HEART Trust/NTA in a number of fields such as computer technology, cosmetology, hospitality management and secretarial skills.

168. Among additional educational opportunities available are programmes offered by various evening schools, selected high schools, the School of Continuing Studies Programme and the University of Technology. The Women's Centre Foundation of Jamaica offers continued education to pregnant teenagers, and also provides for their re-entry into the formal school system. The Young Women's Christian Association conducts training in a number of vocational skills.

169. The Inter-American Development Bank (IDB) in collaboration with the GOJ has undertaken to train four hundred (400) low-income women to increase their access to employment in non-traditional areas such as masonry/tiling/brick laying, welding, carpentry/joinery, cabinet making/woodworking, plumbing, painting, electrical installation, auto mechanics/auto body repairs and computer repairs and site clerking. The training comprises technical and non-technical components. The technical aspect entails classroom training and work experience while the non-

technical facet involves, inter alia, gender training, basic numeracy and literacy skills, job skills and negotiation skills.[xviii]

170. Primary education is provided for all children, but is not compulsory as there is no legal requirement for children to attend to attend school. However, one of the key considerations of the White Paper is "School attendance at the primary level **is to be made** compulsory". All students are encouraged to advance to higher educational levels, irrespective of gender.[xix]

171. The daily average attendance in percentage terms, of pupils at the primary level was 81.25% for 1999/2000. For the period 200/2001, average attendance for primary level was 82.9%. Attendance at primary school was 84.9%. Primary and Junior High was 83.2% and All-Age Schools was 78.8%. In all three types of schools, females had a higher average daily attendance than males. [xx]

172. In 1999/2000, women accounted for 89.7% of the teaching force at the primary level. In 2000/2001, they represented 89.5% of the teaching force. The percentage of female teachers in Primary, All Age, Primary and Junior High, Secondary, Vocational/Agricultural, and Tertiary Institutions, is illustrative of a clear division of labour based on sex, in the teaching profession Statistics indicate that of the total number of teachers in these institutions, 76% are women and 24% are men.[xxi] Women still dominate the teaching profession at all levels, but especially at the Primary level and are involved in what is traditionally seen as a care-giving function.[xxii]

173. While the male cadre of teachers continue to increase, females continue to dominate the teaching profession and occupied on average 77.5 percent of the teaching positions. Of the 17,347 females in the public school system, 6.2. percent were principals and vice principals compared with 9.4 percent of the 5,038 males.[xxiii]

Table 18

Early Childhood, Primary and Secondary School Teachers Cross Classified by Gender and Category[xxiv]

1999/2000	Male	Female
Principal	373	572
V/Principal	103	509
Senior	626	3034
Trained	2044	9920
Pre-Trained	1233	2750
Specialist	659	560
Master	0	2

Source: Ministry of Education, Youth and Culture, Jamaica Education Statistics 1999-2000

174. The above statistics show that women dominate the profession and are over-represented at most levels although there is a higher percentage of male principals (61% as compared to 39% female). Thus, despite teaching being a female dominated profession, males still outnumber females at the very highest level.[xxv]

175. ***A Statement for National Policy for Family Life and Education in Jamaica*** **(1994)** is geared towards the promotion of an adequate quality of life for both sexes; with special emphasis on equity between the two in social, cultural and economic matters including family life and reproductive behaviour in particular, legal status, educational opportunities, employment and income levels. Equal access to the decision-making process is considered an essential element of this goal.[xxvi]

176. Girls and boys have the same opportunities to participate in sports and physical education. Moreover, culturally, there are no restrictions in attire that impede the full participation of girls and women. Girls however, participate to a limited extent in sports such as cricket and football. To some extent, limitations in these areas relate to inadequate facilities having been put in place at girls' schools, consequent on a traditional mindset as to what constitutes male versus female sports.

177. Research has shown that girls are more willing to cross the boundary lines in sports than boys, again a result of broader tradition and conditioning that make boys reluctant to become involved in what are perceived to be female activities.[xxvii]

178. Sex stereotyping still exists in some areas, but the Jamaican Ministry of Education Youth and Culture has been reviewing its curricula, textbooks and other materials and working towards eliminating this issue. The Bureau of Women's Affairs along with other women's organizations, through their public education thrust have also been facilitating in this regard. **See Article 5 on Sex Roles and Stereotyping, page 19**.

179. Dr. Barbara Bailey of the Centre for Gender and Development Studies undertook research on various issues relating to education and gender. A study was carried out on Caribbean Examination Council (CXC) Examination results for sixteen (16) academic subjects taken in 1997 at selected single-sex and co-educational schools.

180. The CXC results revealed that in co-educational schools, the traditional sex-linked performance patterns obtained for both sexes, with girls performing better in the Humanities such as History and English. Predictably, boys outperformed girls in the Sciences, including Mathematics.

181. In the co-educational setting, seven subject areas showed no statistically significant difference in performance. However, on the basis of actual grades, boys outdid girls in six of the seven subjects. Overall, boys scored higher than girls in nine of the sixteen selected subjects.

182. Among single-sex institutions, girls fared better than boys in the same subject areas as in the co-ed schools, i.e. the traditional "female" subjects. Additionally though, girls also outstripped boys in

the typically male-oriented areas such as Physics and Geography. Overall a reversal of the pattern for co-ed institutions was exhibited, with girls outranking boys in nine of the sixteen subjects.

183. Nevertheless in both school types, boys obtained better results in Mathematics, Integrated Science, Biology and French. Girls on the other hand did better in Physics, Spanish, History, Religious Education and English Language and Literature. This is still consistent with the sex-linked sciences/humanities dichotomy as identified over the years by several writers including Byrne (1978), Stanworth (1981) and Coats (1994).

184. Career and vocational training are available to males and females on an equal basis. The institutions that provide such training include community colleges, the HEART Trust/NTA, the Caribbean Institute of Technology, secretarial and business colleges, agricultural and vocational schools, technical high schools and some community-based facilities. Information is provided to interested persons by way of brochures and other public education tools.

185. Women represented 54.7% of persons who received vocational training in 2001.[xxviii] The higher female participation possibly speaks to vocational programmes being more tailored toward areas that are traditionally perceived as being in the female domain.

Profile on Government of Jamaica Information Technology Training Programme for the Disabled

186. In November of 2000, the Government of Jamaica launched a comprehensive training programme for members of the disabled community. The project which is entitled "**Enabling the Disabled through Information Technology",** is fully funded by the Government and is to have a duration of four (4) years. The main aim of the project is to train and equip members of the disabled community with the necessary skills in Information Technology, and to enable them to benefit from employment opportunities to be created in this field. The objectives of the project are as follows:

To establish a mechanism for training persons with a disability in Information Technology

1. To ensure that approximately 2000 disabled persons are trained in the field of Information Technology by 2005.
2. To create a mechanism whereby persons with a disability are fully integrated in the job market
3. To ensure that persons with a disability be included in every aspect of national development, whether it be political, social or economic.

187. Upon completion of the training, successful trainees will receive a National Vocational Qualification (NVQ) certification from HEART. Trainees will also be given a Certification of Participation in the Government of Jamaica Information Technology Training Programme for the Disabled. Over the period November 2000 to March 2001, 41 males and 55 females with disabilities were trained.

Article 11 – Employment

State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure on a basis of equality of men and women, the same rights.

188. The policy exists that advertisement for vacant positions should not stipulate any particular sex. Advertisements in recent newspapers indicate that discriminatory practices have been significantly reduced. For example, Jamaica's leading airline, Air Jamaica in November of 2002 in advertising for new recruits as airline pilots, included a pictorial of both sexes indicating their non-discriminatory practice.

189. Under the Employment (Equal Pay for Men and Women) Act 1975, it is an offence for employers to pay persons of different sexes at different rates for the same work, if they are equally qualified and working under similar conditions. The Act states "Every employer **who has both men and women in his employment"** shall keep records of remuneration paid to these employees. The law sets out mediation procedures and employees may only prosecute if no settlement is reached after mediation. The Court can order arrears of remuneration to be paid to an employee who has suffered from discrimination. The agreement of the employee to accept lower rates is not a valid defense on the part of the employer.
Although the civil service is an example of non-discrimination in wage and salary remuneration, as salary scales for posts within the civil service are fixed regardless of gender, it is felt that discriminatory practices still exist in the private sector. For example, gendered norms in our society, which dictate males as "breadwinners" and females as "homemakers", suggest that males are more willing to work in jobs that require physical strength and longer working hours. This has resulted in higher levels of remuneration for males, (especially in organizations that offer overtime pay).
Another labour market phenomena is the issue of the "glass ceiling" where it is felt that there is a point in the hierarchy of an organization where it becomes difficult for women to access positions of authority.

Maternity Protection

190. The Maternity Leave Act (1979) makes provisions for maternity leave with or without pay depending on the status of the employee in terms of period of service in a given job and number of occasions on which such leave is accessed. The Act provides for twelve (12) weeks leave with eight (8) weeks at full normal pay, paid by the employer. A woman who has received paid maternity leave for three pregnancies is not entitled to be paid more maternity pay from the same employer.

Discussions are currently being held in Jamaica with respect to extending the length of maternity leave.

191. Women under 18 years of age and domestic workers do not qualify for maternity leave with pay. Household/domestic workers are only entitled to Maternity Leave allowance at a given time if

they have paid 26 or more National Insurance Scheme (NIS) contributions during the previous fifty-two (52) weeks.

192. In the case of seasonal workers, the total period of employment over a five year period must add up to at least fifty- two (52) weeks.

193. A claim for maternity leave allowance may be made to the NIS office for a maximum period of eight (8) weeks, from the date of the claim or the date of delivery (whichever is later).

194. Maternity Protection is enforced by legislation and officers of the Pay and Conditions of Employment Branch (PCEB) of the Ministry of Labour, ensure compliance with this and other labour laws. The Act not only prohibits dismissal of a woman on the grounds of pregnancy, but entitles the woman to return to her former work, in the capacity and place where she was employed under her original contract of employment and on similar terms and conditions. Furthermore, section 7 (1) of the Act gives the Courts the power to administer fines for non-compliance, and in default of payment, imprisonment of the offender. Statistics indicate that there is general compliance by employers with the Maternity Leave Act. Of the 5,053 complaints received by the PCEB, 57 or 1.1 percent were related to the Maternity Leave Act.

195. There is no provision for paternity leave. However, subsequent to its recent review of legislation affecting women, the Bureau of Women's Affairs will be recommending to Parliament that paternity leave be made available for the following reasons:

- The mother requires emotional, practical and familial support
- There should be bonding between father and child from the earliest stage after birth
- In instances of the death of the mother, the father should be able to take paternity leave
- For fulfillment of Jamaica's international obligations under the Beijing Platform for Action.

196. Additionally, in recent years, paternity leave has become a standard part of claims by unions during the collective bargaining process, but to date, official records do not reveal any company that has facilitated this request.

Flexible Work Arrangement

197. There is no provision for flexible working hours. The Labour Advisory Committee (LAC), which comprises government, trade union organizations and employers, is currently reviewing labour related laws to bring them in line with international trends and current local realities. A provision for the flexible work-week is among the areas being addressed by the LAC, and a Green Paper outlining proposals for the introduction of flexible work arrangements was tabled in Parliament in 2002. The Green Paper addresses amendments to existing laws and regulations, which currently prohibit flexible working arrangements including the Town and Communities Act, Shops and Offices Act and Regulations, and Holidays with Pay Order (1973). The process toward implementation of a flexible work week has been somewhat protracted due to opposition from some interest groups including the church community which has expressed concerns about the implications for church attendance.

Marital Status and Job Security

198. The law expressly prohibits any discrimination against women in the workplace on the grounds of being married or becoming married. Furthermore, there is no record to indicate that marital status affects job security, and anecdotal evidence suggests that there is no difference/change in job security with marriage.

Occupational Safety and Health

199. The Factories Act governs occupational safety and health and is administered and monitored by the Industrial Safety Division of the Ministry of Labour. A new Occupational Safety and Health Act which was drafted with the assistance of the International Labour Organization (ILO), is to replace the Factories Act, which is fast becoming obsolete. The Bureau of Women's Affairs in its Review of Legislation has recommended that this Act be repealed.

200. Although there is no legal provision that exists to afford women special provision during pregnancy, the Ministry of Labour recommends that companies adhere to ILO Standards in types of work that might be harmful to women or their fetuses. Most industries do comply and the practice is to reallocate workers during pregnancy. Work that is regarded as being particularly harmful to women during pregnancy includes tasks involving use of chemicals and requiring hard physical labour.

Women and Night Work

201. The Women (Employment of) Act, 1942, restricts women's participation in night work, save and except under prescribed conditions within approved trades and occupations. Notwithstanding, in practice, its impact on the economic opportunities of women is minimal, since the law is regarded as archaic and redundant and has been eclipsed by custom.

202. The Women (Employment of) Act, 1942 has also been reviewed by the Bureau of Women's Affairs, which is recommending that it be repealed in light of current economic and international trends.

Child Care Facilities

203. Child Care facilities are established through independent initiatives, public sector and civil society. There is presently a Standards Document governing Early Childhood institutions. An Early Childhood Commission Act will be passed in 2003. There is also a National Plan of Action for Early Childhood and a proposed Early Childhood Bill.

204. Less than 1% of employers provide childcare facilities. Records are unavailable to determine the number of children (0-3 and 3-6 years) who are currently in childcare facilities.

205. There are several means by which child-care is provided when parents work beyond the close of the school day. These include nurseries, after-school care and work place arrangements, extra-curricular activities at school, older siblings and other relatives, neighbours and friends.

206. Nursing breaks for breast-feeding mothers are not provided for within the law.

Unionization of Women

207. Over the past forty (40) years, the percentage of the work force that is unionized has fluctuated between 15% and 20 %. Unionization occurs typically in areas such as the financial sector and industries including agriculture, mining and manufacturing. Women dominate the service sector, which largely remains virgin territory for the unions. At present, figures to indicate the number of women who are unionized are not readily available. One shortcoming of labour force statistics on union membership is the absence of sex-disaggregated data.

Sexual Harassment Policies

208. There is currently no recognition of sexual harassment in any of our laws. Due to growing concerns over the increased incidence of its practice, particularly in the workplace, the need to put such a law in place has arisen. It would appear that the extent to which the issue of sexual harassment occurs cannot be accurately assessed at this time as no extensive national survey has been conducted. Numerous assertions have come from women's groups however, attesting to its prevalence. In the light of this, it is felt that although the extent of the problem has not been measured and recorded, sexual harassment is a problem in the Jamaican society and therefore needs to be addressed as soon as possible.

209. The Bureau of Women's Affairs and women's NGOs have been lobbying towards the implementation of a Sexual Harassment Act and are in the process of adopting the Caribbean Community (CARICOM) Model Legislation to facilitate the development of a Sexual Harassment Act for Jamaica. A draft Bill has already been prepared. Additionally, the Bureau of Women's Affairs has been involved in public education on the issue and is providing training for some companies in the private sector, especially those in the hotel industry.

210. A number of initiatives by the private sector and the trade unions are complementing government policies in this area. In 2001 for example, the Jamaica Employers' Federation (JEF) in collaboration with the ILO, hosted a National Workshop on Human Resource Development with Emphasis on Gender Equality. Arising from this workshop was the realization that some companies do have sexual harassment policies in place. Moreover, the JEF has a Sexual Harassment Policy that is used to sensitize and guide its members. The Jamaica Confederation of Trade Unions (JCTU) also seeks to address this issue through training exercises.
A number of consultations will also be held in 2003 with stakeholders to discuss this issue.

Article 12 – Equality in Access to Health Care

State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- ***the right to work as an inalienable right of all human beings***

- ***the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.***

211. Relative to their needs, women and men have equal access to all available health care facilities in Jamaica. The Ministry of Health has adopted and maintained the principle of gender equity in its provision of health services for women. Jamaica possesses an effective network of service providers in the public and private sectors, affording health care facilities to women. All public health facilities and personnel are available for women, with pre-natal, post-natal, family planning and gynecological services specifically targeting this group. Women are required to pay a small fee for health care during pregnancy, delivery and the immediate post-natal period and although the national health budget does not allow for free health care, generally women are not denied health care due to lack of funds.

212. Indications are that the majority of Jamaican women seek some form of pre-natal care. Among women who seek pre-natal attention; eighty-one percent (81%) receive such services from the public sector, and nineteen percent (19%) from the private sector.

213. Food assistance and food stamps are available to needy pregnant women to ensure that they receive adequate nutrition during pregnancy and lactation. Hemoglobin (iron) levels are checked regularly and iron supplements are provided free of charge. Currently, there is a Government of Jamaica project called Poverty Alleviation through Health and Education (PATH), which ensures cash benefits to the poorest of the poor including pregnant and lactating mothers.

214. All health facilities, at both the primary and secondary care levels, are accessible to women. There is access to a wide range of public and private hospitals and clinics staffed by general practitioners, specialists and other health care professionals.

215. The only dedicated maternity hospital in Jamaica, and the largest of its type in the English speaking Caribbean, is the Victoria Jubilee Hospital, a state-run entity.

216. The categories of hospitals include:

23 public hospitals

11 private hospitals

1 quasi-public facility

336 public health centres

Numerous private doctors offices and medical centres

Women's Participation in Health Care

217. While it is difficult to pinpoint the actual number of women in the health sector and the percentage they represent of the total complement, women play a critical role in the system and occupy positions at all levels.

218. Within the public sector, positions occupied by women include Permanent Secretary, Regional Directors, Parish Managers and Chief Executive Officers. Many Programme Managers in the Ministry of Health are females and a growing number of females are trained and deployed in the system as Public Health inspectors (a traditionally male job). Although again actual data are not readily available, indications are that a significant percentage of doctors are female.

219. The table below provides further breakdown of the number of women receiving degrees from tertiary institutions within the health sector.

Table 19

Output of Professional, Senior Officials and Technicians

2000-2001

	2000		2001	
Profession	**Male**	**Female**	**Male**	**Female**
Medical Doctors	20	32	20	31
Nurses	2	285	0	273
Radiographers (Prof. & Tech)	1	3	4	18
Food & Nutrition	39	90	56	142
Medical Technologies (Prof. &Tech)	20	68	15	34
Lab Technicians	1	4	0	0
Pharmacists (Prof. & Tech)	18	58	14	54
Physiotherapists	1	16	1	16
Dental Nurses/ Assistant	0	12	0	3

Source: Economic and Social Survey of Jamaica 2001

220. Jamaica also possesses a cadre of capable traditional health workers who historically have contributed valuably to maternity care. Most of them are women who perform in the capacity of "nanas" practicing mostly in the rural areas. "Nanas" are midwives whose responsibility is to provide antenatal care, deliver babies and offer immediate post-natal assistance.

221. The Ministry of Health has over the years, attempted to offer some level of training to these persons to reduce the risk attendant to deliveries done by them. Indications are that with the

modernization of health care practices/facilities and a general change in perspective by society, the services of traditional midwives are not being called upon to the extent that they once were.

Fertility, Mortality and Life Expectancy Rates

222. The estimated number of live births for 2001 is approximately 55, 300, which equates to a Crude Birth Rate (CBR) of 21.2 per 1000 population (2001:1). The General Fertility Rate (GFR) relates to the actual number of women in the reproductive age group 15-49 years. In 2001 there were 696,228 women in this category, which translates to a GFR of 79.4 per 1000 women 15-49 years, up from a value of 78.2 in 2000.

223. The Total Fertility Rate (TFR), which is the average number of children per woman, was approximately 2.8 in 1997 down marginally from 3.0 in 1993.
The number of deaths in 2001 was estimated at 17,200 reflecting a Crude Death Rate (CDR) of 6.6 per 1000 population. This made for a 5.5 percent increase in the number of deaths as against the previous year. The overall death rate has remained relatively low for two decades, varying between 5.5 and 7.0 per 1000. However, when age specific rates are considered there is cause for concern in relation to a number of demographic groups namely infants, mothers and youth. Infant deaths were estimated at 24.5 per 1,000 live births and maternal mortality at 106.2 per 100,000 live births. (Ministry of Health Annual Report 2001)

224. Within the age group 15-30 years, there were high levels of deaths, especially among males, due to motor vehicle accidents, crime, violence and drug abuse (ESSJ 2001).

225. Non-communicable chronic (lifestyle) diseases such as those associated with obesity were largely responsible for deaths within the age group fifty (50) years and over. Such diseases have led to a disproportionate occurrence of death among males even though morbidity is higher for females, so that among the septuagenarian population, there is an estimated ratio of two to one (2:1) in favour of females.

226. HIV/AIDS has been impacting disturbingly on the national mortality data. During 2001, a total of nine hundred and thirty nine (939) HIV/AIDS cases were reported, of which five hundred and eighty eight (588) were fatal. The 2001 incidence represented a four percent (4.0%) increase over the nine hundred and three (903) reported for 2000. Female adolescents in the age group 10-14 years and 15-19 years had twice and three (3) times higher risk of HIV infection respectively, than boys of the same age groups. The Ministry of Health reports that this is as a result of social factors whereby young girls are having sexual relations with HIV infected older men.

227. Improvements in educational levels and living standards, advances in health, efficiency in the delivery of health services and reduced prevalence and incidence of certain diseases, have all helped to improve every Jamaican's chance of surviving to seventy four (74) years (73 years for males and 75 years for females. (Ministry of Health Report 2001).

228. During 2001, approximately twice the number of curative visits was made by females both regionally and islandwide, as by males. The Ministry of Health suggested that this is a cultural phenomenon, not exclusive to Jamaican males, where males are reluctant to seek health care until the illness reaches an advanced state, resulting in females having a higher morbidity for some illnesses and a higher mortality rate among men. The leading causes of curative visits ranked in descending order of frequency were (1) respiratory tract infections, (2) hypertension (3) skin diseases and (4) Sexually Transmitted Infections.

229. Among male visitors to hospitals, a significant proportion was occasioned by a need to treat bullet and stab wounds and motor vehicle accident injuries. This is indicative of the relatively riskier lifestyle being pursued by Jamaican males and is consistent with the higher male mortality rates in the 15 – 30 age group, as cited above.

230. A larger percentage of males (23.3%) were hospitalized for accidents and injuries compared to the percentage of females (4.9%). The major causes of visits to community mental health clinics include Schizophrenia (32, 297), substance abuse (2,483) and organic mental disorder (2,416).

Hospitalizations of Women and Girls

231. Gender desegregation of data for hospital discharges revealed that there were more females (92, 393) than males (46, 707) discharged during 2001. Of the total females discharged, approximately 56.0 percent had been admitted for obstetric conditions.

232. Preliminary data showed that eleven thousand eight hundred and twenty eight (11,828) persons for the under one age group were discharged from Government hospitals islandwide. The leading cause of hospitalization over the 1997 to 2001 period continued to be perinatal conditions. Perinatal conditions were also the leading cause of death in Government hospitals. (Ministry of Health Report 2001)

233. The majority of adolescents hospitalized (59.1 %) were discharged after treatment for obstetric conditions, followed by accidents and injuries (14.1%). Accidents and injures have consistently been the leading cause of death in Government hospitals, among the 10-19 age group between 1997-2001. Consistent with their riskier lifestyle, the percentage of deaths due to accident and injuries for males was higher than for females.

HIV/AIDS

234. HIV/AIDS is a considerable and growing challenge to the Jamaican society, to the extent that it is now being formally regarded as a crosscutting developmental issue, and therefore worthy of a specific policy approach.

235. In light of the implications of the spread of this disease, the Government of Jamaica has instituted a National Strategic Plan on HIV/AIDS/STI 2002 – 2006. The Strategic Plan, consistent with its broad developmental perspective, adopts a multi-sectoral approach. The Bureau of Women's

Affairs has reviewed this plan and provided comments in an effort to ensure that a gendered approach is taken at every stage.

236. The plan seeks to reduce the rate of new HIV infections by twenty five percent (25%) by 2005, but there is a particular focus on the vulnerable 15-24 year age group. Thus, while there is obviously a need for general HIV/AIDS education for all members of society, the high-risk behaviour groups and the socially marginalized groups need to be identified and targeted with specific interventions. These interventions may need to be delivered in non-traditional settings and formats in order for them to have maximum impact. The groups include:

- Girls 15-19 years old, particularly in transactional or coercive relationships
- Sex workers
- Males 30-45 years old (condom non-users) and their partners
- Men having sex with men (MSM), bisexuals and their partners
- Persons with STI's and their partners
- Prisoners
- Clients of sex workers
- Young persons in the inner cities
- Youth in the 15-19 year age group.

237. The National Strategic Plan aims to empower women to have control over, and decide freely and responsibly, on matter related to their sexuality so as to reduce their vulnerability to HIV infection. In addition, the Ministry of Health is working on a National Policy Statement on HIV/AIDS as well as a workplace policy.

238. Indicative of the extent to which HIV has been impacting the school age population, there have been reports of at least two schools sending students home because close relatives have tested positive for the disease. One school requested that the students themselves be tested before being readmitted.

Strategic Approach

239. To increase public awareness of the risks and effects of sexually transmitted infections particularly HIV/AIDS the following measures are being taken:

- A multifaceted mass media programme is being implemented, with a focus on gender in how the messages are being communicated;
- Information is being disseminated to foster risk avoidance skills, delay sexual debut, encourage abstinence and enable negotiation with sex partners.

240. Policy and Programmatic interventions by the Ministry of Health such as the Behaviour Change Communication Programme (BCC) are being implemented to combat sexually transmitted infections, particularly HIV/AIDS. Women and girls are specially targeted for intervention, as it is recognized that the risk of a woman (having regular unprotected sex) being infected with HIV is two to four times as great as that for a man. Programmes specifically dedicated to women and girls include:

- Prevention of unintended pregnancies among HIV positive women
- Expanded access to the anti-retroviral agent Aeviparine among pregnant women
- Promotion of condoms for dual method use, and increased access through social marketing of condoms
- Peer education to help deal with peer pressure and other social pressures on young persons to be sexually active.

241. Training programmes are being implemented for health care workers. These activities address areas including different aspects of the subject (topic specific issues), voluntary counseling and referral and care of persons living with HIV/AIDS. Health providers are also being trained in the use of a set of criteria (for self evaluation) in an effort to make them more "youth friendly."

242. Data are not readily available as to whether female health care professionals have been specifically targeted for training in the area of HIV/AIDS, relative to their male counterparts. With the majority of health care providers being female however, there is no need to institute specific measures to ensure their critical involvement in addressing the HIV/AIDS issue.

Current Status

243. During 2001, 939 new AIDS cases were reported, 511 victims being males and 428 females. This brings the cumulative total since 1982 to 6,038 persons, 60.2% of which were males. Of the new AIDS cases reported in 2001, 66 were in the pediatric age group.

244. There were 588 AIDS-related deaths during 2001, bringing to 3, 720, the number of persons dying since the start of the epidemic in 1982. Against a total of 6,038 infections, the case fatality rate to 2001 is 61.6%. Since the epidemic began there have been a total of 252 pediatric deaths producing a pediatric case fatality rate of 52.6%.

Table 20

AIDS Cases by Age and Gender: 1982-2001

Age Group (Years)	Male	Female	Cumulative Total
<1	67	58	125
1-4	142	131	273
5-9	50	30	80
10-19	25	71	96
20-29	675	615	1,290
30-39	1,260	802	2,062
40-49	760	401	1,161
50-59	432	174	606
60 and Over	162	82	244
Unknown	63	38	101
Total	3,636	2,402	6,038

Source: Ministry of Health, Epidemiology Unit

245. The age groups 20-29 years and 30-39 years continue to be those mostly affected by AIDS. While females represent approximately 40 percent of all reported cases of AIDS the male-female infection ratio in the 10-19 age group is 1 male to 2.84 females. This is cause for much concern as it relates to adolescent females in terms of their sexual and reproductive health and issues of gender-based violence.

246. There is evidence that the provision of anti-retroviral drugs to pregnant women, who are HIV positive, will reduce transmission to their children. In the context of 900 HIV positive women delivering 200 HIV positive babies, the Mother-to-Child Transmission Prevention Pilot Project was implemented to reduce the incidence.. Additionally, an alternative to breastfeeding through the provision of infant formula is also being implemented. The health status of mothers and babies is an important component of the programme. Babies receive formula and nutrition supplements and have their growth and development monitored, while the drug Nevirapine is administered to mothers.

247. The Jamaica AIDS Support (JAS) for the past ten (10) years continued its mandate to "love, care, support" those for whom there has been a reluctance to provide care for and treat. This refers to persons in the society who have been ostracized by virtue of their HIV status or overtly risky lifestyles. The organization, staffed by volunteers has been carrying out its mandate by facilitating many persons living with HIV to make a living through candle making and card making projects. The organization's activities include lobbying for contributions to provide basic amenities such as food and clothing and pharmaceuticals to its target group. The greatest challenge for the JAS has

been its very limited financial resource base, which has led to difficulty in keeping the doors of its hospice open.

HIV/AIDS and the Law

248. The Jamaican Parliament has not yet passed legislation to specifically address HIV/AIDS. Nevertheless, the Strategic Plan of Action seeks to protect employees with HIV/AIDS. Concerns have been expressed from various quarters as regards discrimination against persons with AIDS in schools and the workplace. For instance, the Jamaica Employers' Federation has called for a standard policy to protect the rights of employees with AIDS.

249. The Public Health Act empowers the Ministry of Health to call upon the local boards of health to investigate any disease present in their parishes and take whatever steps are necessary to arrest the spread of that disease.

Jamaica Cancer Society (JCS)

250. In 2001 the services provided by the JCS focused on:

- Screening and clinical services for cervical, breast, and prostate cancers
- Outreach activities involving health promotion campaigns and cervical and breast cancer screening.
- Counseling and support systems for cancer victims and their families

Table 21

Breast Cancer Screening-Mammography

1999-2001

Year	Screening Site Clinic	Screening Site Mobile	Total
1999	N/A	N/A	4,577
2000	N/A	N/A	4,673
2001	4,824	1,148	5,968

N/A- The mobile programme was not active prior to 2001

Source: Ministry of Health Annual Report 2001

251. Overall, the activities of the breast cancer-screening program in 2001 increased by twenty eight percent (28%) over 2000. This can be attributed to the activation of a mobile breast cancer-screening programme. The percentage that tested positive in relation to the number screened was highest in the 70-79 age group (4.4%), followed by the under-35 age group (3.3%).

Cervical Cancer Screening-Pap Smear

252. There were 7,028 pap smears done in 2001, representing a 1.8 percent decrease on the 7,157 carried out in 2000 and a 12 percent reduction when compared with the figure of 7,871 that obtained for 1999. Of all the pap smears done, around nine in ten (94%) returned normal results. Other clinics conducted included breast examination only (560); and coloposcopies/Biopsies (161). All the clinics were conducted by volunteer medical personnel. Outreach activities were also carried out, taking the form of: cancer and healthy lifestyle talks, displays and demonstrations.

Mental Health

253. During 2001, community mental health clinics delivered services to some fifty thousand (50,000) clients, nine percent (9%) more than the number attended to in 2000. Just under half (forty-nine percent) of those receiving care were females. The larger clientele tended to be in parishes with well developed and/or expanding urban centers, a situation consistent with the greater stress levels typical of urban environments.

The Elderly

254. The elderly or aging population is defined as those members of society who are over sixty (60) years of age. Jamaica's ageing population continues to increase (in absolute and relative terms) and so more programmes and policies need to be formulated and implemented to address this reality. One existing measure to alleviate the burden on the aged is the Drugs for the Elderly Programme which continued to provide much needed assistance in the area of prescription medication at reduced cost.

Feminization of poverty continues to adversely affect Jamaican society as a consequence of the large number of female-headed households below the poverty line as well as the longer life expectancy for women. In particular, the latter translates into longer post-retirement life with the typically reduced earning power/income being compounded by the health complications normally associated with advanced age.

Family Planning

255. There was a fluctuating trend evidenced for antenatal visits to public health facilities between 1997 and 2001. Despite this variance in the number of visits, the average number of visits per woman prior to giving birth remained consistent at around four throughout the period. The occurrence of first antenatal visits was highest between the 16th to 28th weeks of pregnancy, with visits during this stage accounting for close to two thirds (62.9 percent) of all first visits.

256. Visits for postnatal care showed annual declines between 1997 and 1999. However, for the year 2000, there was a 6.9 percent increase in postnatal visits followed by a 6.0 percent decline in 2001. Over the period 1997 through 1999, there were yearly reductions in the number of new family planning acceptors visiting health centers islandwide. The most popular method of contraception used by new family planning acceptors was the injection and there have been annual increases in its use since 1997. In 2001, 45.4% of clients chose this method. Just below a third of persons (31.4%) used the pill, while the condom and IUD were used by 21.4% and 1.6% respectively.

Table 21

Methods of Contraception Chosen: 1997-2001

Year	Pill	Injection	IUD	Condom	Other	Dual Method
1997	32.6	35.1	0.8	31.4	0.1	-
1998	31.5	40.4	1.6	26.4	-	-
1999	32.0	43.8	1.5	22.6	-	-
2000	32.3	44.1	1.3	22.1	0.2	-
2001*	31.4	45.4	1.6	21.4	0.2	39.6

Source: Ministry of Health, Planning and Evaluation Branch

***Preliminary data**

257. Between 1997 and 2001, 14, 214 tubal ligations were carried out at Government medical facilities, while 848 such procedures were effected in private health centres. Of 798 referrals to hospitals from health centres for sterilizations in 2001, males accounted for only twelve (12) or about two percent (2%) and of the 141 sterilizations actually performed, males accounted for just about six (6) or 4.3 percent.

258. The National Family Planning Board (NFPB) continued to pursue programmes and projects consistent with its responsibility to "promote family planning as beneficial to health and well being of all Jamaicans and to ensure the ready availability of affordable, high quality family planning services." Its activities entailed strategies to improve the "contraceptive method mix" to achieve more effective use of the various contraceptive facilities available. There was also increased effort to broaden access to reproductive health information and services to men and adolescents and to ensure greater availability of emergency contraception.

259. The level of unsatisfied demand ("need") for contraception is approximately fifteen percent (15%). The Ministry of Health defines "need" as a situation pertaining to women who are fertile, sexually active and not pregnant. These women therefore have the potential to become pregnant but are not using contraception. Factors explaining this include religious/cultural norms whereby their partners do not permit them to use contraceptives.

260. The Contraceptive Prevalence Rate (CPR), i.e. the proportion of married women in the age range 15 – 49 years who use any form of contraception, is 65.9%. The following table disaggregates the CPR by contraception method.

Table 22

Contraceptive Prevalence Rate by Contraception Method

2001

Pill	**21.2%**
Condom	**17.0%**
Female Sterilization	**12.3%**
Injection	**10.9%**
IUD	**1.1%**
Withdrawal	**2.8%**
Other	**0.6%**

Source: National Family Planning Board

261. A wide range of family planning services is offered across the island through the public health system. These facilities are delivered via a network of hospitals, health centers and private physicians. All methods and types of contraceptives are readily available in hospitals, clinics and Family Planning Board outlets.

262. The state provides few reproductive health programmes or services specifically geared toward adolescents. The National Family Planning Act and the Revised Population Policy Statement do not explicitly target adolescents or articulate a policy for promoting reproductive health and education among adolescents. There are however, several programmes "on the ground," such as the UNFPA Sexual and Reproductive Health Programme, that reach into schools and communities to educate youth about these issues.

263. Commencing at approximately age 15 years, girls can obtain condoms free of charge from the Family Planning Board, the Ministry of Health, and public clinics.
One legal requirement pertaining to females receiving health care restricts access on the basis of age. According to the Age of Majority Act, sixteen (16) years is the age at which a person not yet an adult (18 years) may give consent to medical, surgical and dental treatment. This legal regulation also embraces reproductive health care. Below this age, responsibility for consenting to and/or receiving medical aid is the responsibility of parents/legal guardians.

264. Spousal consent, either by law or in practice, is not required before a married woman can receive health services including family planning. Moreover, there are no laws or policies that dictate the use of family planning measures.

265. Prenatal fetal testing is available for Chromosomal Karyotyping. There are no data on the incidence of abortion following prenatal testing. There is no legislation or policy guideline in respect of sterilization but elective sterilization is available. The consent form for the sterilization procedure

provides clear indication to the prospective client that she/he can change her/his mind at any time prior to the operation.

266. Female genital mutilation and circumcision is not and has never been practiced in Jamaica.

Abortion

267. Currently, abortion is illegal in Jamaica and falls under the Offences Against the Persons Act of 1861. There exists however, a 1975 Ministry of Health Policy, which permits medical practitioners to terminate pregnancies in cases of danger to the mother's health/life and in cases of rape, incest and carnal abuse. The policy statement called for the amendment of the Offences Against the Person Act to recognize the abovementioned as legal grounds for abortion. Jamaica has not amended the Offences Against the Person Act.

268. The question of a woman's innate right to terminate her pregnancy on the grounds of personal choice has also arisen but has not gone beyond the stage of formal debate.

269. Furthermore, there exists no law or regulation restricting information about abortion. However, notwithstanding the Government's policy permitting abortions in certain circumstances, there tends to be little information available relating to the availability of abortion services. The Medical Association of Jamaica supports the legalization of abortion and has lobbied for Jamaica's adoption of an abortion law modeled on the Medical Termination of Pregnancy Act of Barbados, which allows for abortion before the twentieth (20^{th}) week of pregnancy or in cases of rape or incest.

270. Health practitioners are recommending that the ambiguous position relating to abortion in Jamaica be clarified, and that the policy be supported by legislation. It is felt that the absence of such legislation will further marginalize the promotion, preservation and maintenance of the highest standards of the sexual and reproductive health of Jamaican women.

Article 13 – Social and Economic Benefits

(a) ***The right to family benefits***

(b) ***The right to bank loans, mortgages and other forms of financial credit***

(c) ***The right to participate in recreational activities, sports and in all aspects of cultural life***

Family Benefits

271. Jamaica has in place a limited system of family benefits to cover the areas of social security, health and insurance.

272. The Government of Jamaica operates a National Insurance Scheme (NIS), which is open to all employees whether salaried or self-employed, male or female. The Scheme covers a range of transfer payments including disability grants, pension and death grants. There are also special grants for

widows and widowers and maternity grants for domestic workers. A five (5) year differential in favour of women exists between the ages at which men and women become eligible to access pension benefits.

273. In addition, in the year 2002, the Ministry of Labour and Social Security introduced a social safety net arrangement entitled Programme for Advancement through Health and Education (PATH). PATH represents a consolidation of the Food Stamp, Poor Relief and Public Assistance schemes. Under this programme, the needy in various categories such as elderly persons, young children, families and pregnant and lactating women are provided with grants to assist them in meeting basic day-to-day expenses. Prospective beneficiaries must go through an interview process to qualify.

274. Health benefits under the insurance scheme apply to men and women alike. Employees of the Government or of a private sector company that contributes to the provision of health benefits can have access to special family benefits that are available.

275. There are no family benefits for housing, in the sense of housing being made available on a subsidized or free basis for family units per se. Housing allowances are granted to some Government and private sector employees, with no discrimination against women. The major provider for Government-assisted housing, a state-owned company – the National Housing Trust (NHT) - affords housing solutions through mortgages mainly for lower and middle income citizens.

276. The NHT makes no special provisions for families in its allotments, but does have special provisions for the disabled. However, a policy allowing individuals to combine with other individuals to qualify for a benefit does encourage and facilitate family ownership.

277. Interest rates on mortgages are charged on a graduated scale according to income and since women constitute the majority of lower income persons, it is possible that they benefit more from this policy. The housing agency however, does not at this time, have detailed gender-disaggregated figures on its allotments.

278. Married women do have access to mortgages and are required to produce a marriage certificate as proof of a name change only.

279. Taxation in Jamaica is gender neutral and tax credits or deductions are not deployed to distribute benefits on a family basis but rather on an individual basis.

Bank Loans, Mortgages and Financial Credits

280. Requirements for loans depend on one's ability to repay and on the quality of the collateral the borrower can provide. While there are no legal obstacles for women, in practice they have been at a disadvantage since they are positioned more toward the lower end of the economic scale. For example, in a study done on women and credit, it was shown that while women make up some two thirds (65%) of the small business sector, they received a little under one half (49%) of the loans extended through Government initiatives.

281. In the micro sector it was shown that women received sixty-two percent (62%) of the loans at the lowest levels, but the percentage decreased as the loan amount increased, indicative of women's relatively limited ability to access higher levels of loan funding. It was determined moreover, that women are less likely to have the collateral required for loans.

282. Females are however singled out for special attention in the area of micro-enterprise financing to ensure that they have at the very least equal access to start up loans to facilitate their entrepreneurial activities.

283. The Micro Investment Development Agency (MIDA) is an organization that provides financing for individuals wishing to start or expand micro businesses. Table 23 indicates the number of loans disbursement through MIDA by gender for the periods 2000-2001 and 2002-2003.

Table 23

MIDA Loan Disbursement by Gender

	M	%	F	%	Total Loans
2000-2001	751	49.97	752	50.03	1503
2002-2003	729	48.50	687	51.50	1416

Source: MIDA Annual Report 2000/2001, 2001/2002

284. MIDA's annual report for 2000-2001 indicated that overall, female borrowers received 752 loans or about half of the total number of loans granted. Women received 154 more loans in the service sector than men, while men received 145 more loans for agricultural purposes.[xxix]

285. For the financial year 2001/2002 females received 729 loans or 51.5% of the total number of loans disbursed, while 687 were granted to men. Men however, received $4.7 million more than women, in terms of the value of total loans granted.

286. Women again dominated the service sector and received $10.7 million more in loans than men. As in the previous year, loans to the agricultural sector were largely disbursed to men.

287. In the manufacturing sector women received somewhat over a third (40%) of the value of loans disbursed, or $2.9 million, while men received $4.6 million. [xxx]

288. By and large, the disbursement pattern is reflective of the traditional biases as regards spheres of activity undertaken by men vs. women.

289. Jamaica National Building Society, the leading building society in Jamaica, in October 2000 established a micro credit facility. The JN Micro Credit Company specializes in providing loans to the small informal commercial sector. Loans are for the expansion of existing micro businesses that need

to purchase operating tools and equipment or supplement working capital. Typical recipients are persons from the lowest income groups, who would be unlikely or unable to secure credit from the traditional banking sector.

290. The loan amounts range from $5,000 to $120,000 with bills of sale on consumer durables as security. JN thus demonstrates flexibility in allowing for such assets, not typically eligible to secure loans from commercial lending institutions, to form collateral.

291. Loans are provided on a short-term basis, varying between 10-40 weeks tenor at an interest rate of 1 per cent a week.

292. This recently introduced JN loan programme is well suited to facilitate female micro-entrepreneurs given their limited borrowing capacity, one facet of which is a scarcity of collateral.

Credit Unions

293. These co-operative institutions, which are of historical importance, continue to provide avenues for saving and credit for a wide range of personal and business purposes. Their approach is gender neutral but given their emphasis on low to middle income membership, credit unions provide are important mechanism for Jamaican women to finance business activities as well as to cover planned or emergent personal/family expenses.

Mechanisms for Public Complaints

294. There is no mechanism explicitly tailored to fielding complaints from women who feel they have been discriminated against on the grounds of sex, since prohibition of discrimination on these grounds is yet to be enshrined in the Jamaican Constitution. However a woman can make use of other mechanisms such as representation to a trade union, the Public Defender, a professional body, a political party, a woman's group or to the print and electronic media to seek attention and redress.

Participation in Recreational Activities

295. There are no legal barriers to women participating in cultural or sporting activities and indeed there have been world-class achievements by Jamaican female athletes and performers.

296. There are some cultural barriers that traditionally restrict women from participating in particular sports. Recently though, women have been participating more in some non-traditional sports such as cricket, football and kick boxing. There is however a problem with funding given a bias toward making more resources available for men's sports, both from Government and private sources of sponsorship.

297. Another dimension to sport is that some games badminton and squash for instance, are played almost exclusively by persons in the upper socio-economic brackets. This is due largely to the costs associated with participating in these activities, rather than a gender bias.

298. Women participate to a great extent in cultural activities and in some areas such as choreographed dance they constitute the majority. However the rate of female participation varies depending on the aspect of cultural expression. For example, Jamaican music (reggae) has attained international recognition and although women participate as performers, they are greatly outnumbered in the business/administrative side of the music industry. There is also a significant disparity in numbers between male and female recording artistes and performers, with men heavily outnumbering their female counterparts.

299. Not only is there disparity in numbers, but a newspaper article of January 2000 pointed out that female artistes are not as competitive as men in the music business.[xxxi] The article further noted that at the local level there is a lack of dominance or even a strong presence by female artistes in the music industry. Some of the female artistes interviewed expressed the concern that the industry was sexist, unfair to women and that women had to work doubly hard to get the recognition they deserve.

300. Another newspaper article of July 2002[xxxii] revealed there was a problem with female longevity in the reggae music industry. Gender politics was cited as being at the root of the problem. Some of the attendant inhibiting factors included the following:

- Reggae music is viewed as "rebel" music and considered a man's domain
- Women are often used as back-up singers for men rather than being lead singers/soloists in their own right. This occurs despite the fact that female singers are often better trained than males
- Women are not frequently billed for stage shows by promoters although the market for female artistes clearly exists
- Motherhood or even potential pregnancy plays a significant role in women's ability to obtain recording/performing contracts, hence producers/promoters do not see female artistes as viable investments
- Female performers are not entitled to maternity leave. Some women may also decline extended tours in favour of rearing their children and other family responsibilities. This compromises their opportunities for professional advancement
- The "objectification" of women in music i.e. the use of women as sex objects or symbols is also a factor, as well as the demand for sexual favours and control that women often experience at the hands of men in the industry.

301. To help address both the performing and management issues in the industry an association of female artists (Jamaica Association of Female Musicians) has been formed to assist women to take charge of their musical careers.

Article 14 – Rural Women

State Parties shall take into account the particular problems faced by rural women and the significant roles which they play in the economic survival of their families, including their work in the non-monetized sectors of the economy and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

302. The Government of Jamaica recognizes that the economic empowerment of women is critical for the eradication of poverty, which is most prevalent in rural communities.

303. Over the past decade, several institutional interventions have been carried out to improve the socio-economic status of rural women. As one means, the Jamaican Government in partnership with international donor agencies has been spearheading initiatives to develop rural community women's groups to achieve economic empowerment of women.

304. The overall objectives of the initiatives are to:

- Create sustainable employment for women within the agricultural sector
- Promote self reliance among rural women producers
- Promote products made by rural women
- Promote training to upgrade and develop human resources
- Promote sustainability of individual groups under the network of rural women

Women's Rights

305. The Constitution of Jamaica essentially accords equal rights to men and women. Moreover there is no distinction whatsoever either between or within sexes on the basis of urban vs. rural residence.

306. Functionally also, there is no essential difference in how women, whether married, divorced, widowed, single or childless, are treated in rural areas vis-à-vis urban communities. There are however, distinct cultural norms that obtain islandwide. Women who are childless for whatever reason, often tend to be accorded lower status as women and are labeled as "mules." This compounds the pressures on adolescent females to become mothers. Another cultural bias results in greater respect being typically accorded to married women versus those who are single (i.e. never married).

Rural/Agricultural Policy Initiatives

307. During the review period, policy for the agricultural sector underpinned measures aimed primarily at:

- Increasing the efficiency and competitiveness of the sector
- Curbing environmental degradation and deforestation
- Increasing growth in the sector
- Improving the quality of rural life

308. The Rural Agricultural Development Agency of the Ministry of Agriculture (RADA) provides technical assistance to women in the policy areas enumerated above.

309. Moreover, indications are that all the specific needs of female farmers are not being adequately addressed in agricultural extension programmes. In an effort to deal with this problem, a Rural Farm Family Development Programme, now called the Social Services/Home Economics Programme, was implemented by RADA. This initiative places emphasis on the development of rural women and their families through agriculture, home economics and more recently income generation through micro enterprise development.

- In general, over the past five (5) years, there has been an increase in the number of programmers and projects aimed at helping poor and rural women. These strategic initiatives reflect the philosophy of empowering women through greater self-reliance.
- Female Agricultural Employment
- Jamaican women in agriculture are engaged in a wide range of activities, including actual cultivation, casual labour, higgling, hawking and trading. The majority of female farmers work smallholdings for cash crop or subsistence production.
- On the technical and administrative side, women are employed as agricultural extension officers, food processors, agronomists, economists, technicians, and administrators.

310. Despite women carrying out a multiplicity of tasks on the farm, there is still some sex role differentiation in the agricultural sector. Examples of "male" tasks are forking the ground, plowing, crop spraying, and butchering livestock. Activities within the female domain include rearing of small livestock such as chickens, pigs and goats, sowing seeds, reaping of "lighter" crops, weeding and watering. Women also carry out most of the post-harvest chores, such as washing, grading and processing of products as well as marketing of the produce.

311. In Jamaica, the majority of workers employed in the coffee and banana industries are women, and their activities are predominantly picking (coffee), grading, separating and washing the produce. Men in the banana industry are employed to harvest and transport fruit to packinghouses and perform the more highly paid tasks of packaging and preparing fruit for export. Women also tend to work with small stock, including poultry and rabbits, and are hired in large numbers in poultry processing plants.

312. The importance of marketing agricultural produce has necessitated placing high priority on agricultural marketing policies, but such policies as they affect small-scale agricultural producers, including women, have been fewer and less sustained than those relating to large producers. Generally, over the years, agricultural marketing policies in Jamaica have tended to reflect the broad sectoral priorities of Government with no distinction between male and female stakeholders. Possibly the most significant for Jamaica's rural women is the provision and maintenance of parish markets, an emphasis that has been maintained by Government over the years. The most recent initiatives include the "Sixteen Rural Markets Upgrading Projects" and the "West Kingston Market Expansion Project."

313. The Agricultural Extension Officers attached to RADA are currently using various methods for maintaining continuous contact with farmers, in order to transfer appropriate technology for increased production and productivity in crops and livestock enterprises. There is no institutional policy that prevents women farmers accessing these services. However, women are sometimes unaware of policies and programmes from which they might benefit including those in the agricultural sphere. In recent times however, the women are better represented at agricultural fora such as field days and after-training sessions.

314. The expansion of the service sector has attracted many women away from agriculture and into what is considered to be more lucrative and higher status employment.

Community Outreach

315. The Government of Jamaica and NGOs including international funding agencies, employ various methods to interface with rural community groups of women. The modalities include group sessions, training workshops and seminars. By and large, to maximize interest and participation, rural activities have been linked to the Government's Poverty Eradication Programme.

316. The abovementioned activities were funded through the following agencies:

- IICA
- The Welfare Food Stamp Programme of the Ministry of Labour and Social Security
- The Rural Agricultural Development Authority of the Ministry of Agriculture (RADA)
- Outreach programmes of the Ministry of Health, the Family Planning Board and the Jamaica Cancer Society.
- The Jamaica Social Investment Fund
- Food and Agricultural Organization of the United Nations (FAO)
- Scientific Research Council
- Social Development Commission

317. The Micro Enterprise Initiative of the Bureau of Women's Affairs focused on promoting the interests of poor women, consistent with the objectives of the National Poverty Eradication Programme.

318. Training sessions employing a community empowerment approach addressed the following issues:

- Capacity Building
- Home Management & Income Generation
- Team building and economic self-sufficiency
- Women's role in community development
- Enhancing self-esteem and fostering a cooperative spirit among poor rural women
- Preparation of Business Plans For Micro Enterprises
- Violence against women
- Other gender issues including socialization and stereotyping.

Economic Empowerment

319. There is due recognition by the authorities that women need expanded economic opportunities, through avenues such as education and skills training, so as to take advantage of emerging market opportunities and realize their productive potential.

320. One of the agencies geared toward promoting the economic empowerment of women, the Jamaica Network of Rural Women Producer (JNRWP), was launched in 1999 and implemented by IICA. The JNRWP is a member of the Caribbean Network of Rural Women Producers (CNRWP), with two (2) representatives on the CNRWP Council. Its objectives include:

- To promote cooperation among rural women and create partnerships with institutions and the private sector in support of micro-enterprise development
- To create sustainable employment opportunities for its members
- To promote products from its members
- To promote training to upgrade and develop human resource capacity of rural women producers
- To strengthen links among rural women producers intra regionally and inter regionally
- To sensitize the wider society to the needs of rural women producers
- To establish a revolving credit fund for its members
- To provide financial, managerial and leadership training

321. One major activity under the network was the Rural Women in Agriculture: Informal Credit Project. This one-year programme was made possible through a grant of US $90,000 from the Organization of American States (OAS). More than forty (40) rural women benefited from this programme and approximately one hundred and thirty five (135) families were assisted.

322. Facilitating agencies for the JNRWP initiative include:

- The Organization of American States (OAS)
- The United States Agency for International Development (USAID)
- Texaco Caribbean Inc., Jamaica
- The Bureau of Women's Affairs (BWA)
- The Rural Agricultural Development Authority (RADA)
- The Centre for Gender and Development Studies

Rural Assistance – Population Control

323. The National Population Policy goal for Jamaica is "to ensure that the population does not exceed the number of persons that can be supported by the nation at satisfactory standards of living."

324. This Policy envisages a maximum population growth rate of 0.8 percent per annum for three decades or a population size not exceeding 2.7 million by the year 2000 and 3 million by the year 2020. The National Family Planning Board (NFPB) continued its activities, consistent with its mandate to "promote family planning as beneficial to the health and well being of all Jamaicans and to ensure the ready availability of affordable, high quality services."

325. Family planning services are available islandwide through the public health system including a mobile unit used to access some relatively remote rural areas. In addition there are also Ministry of Health Regional Units that support the programme. Regular training of nurses, midwives and other health care providers, as well as public education on safe contraception, are also conducted. **See Section on Health Care.**

326. As indicated in the previous submission, social security programmes are available to women in both urban and rural sectors. These are however, no national social security policies directed specifically at rural women. This is a situation that the Government of Jamaica intends to address in the near future as the contribution of rural women to the economy grows in significance.

327. The Government of Jamaica is committed to providing access for rural women to both formal and non-formal training. Several training programmes were implemented under the Government's Education policy to improve quality, equity, relevance and access.

328. It was noted that persons living in Other Towns and Rural Areas were less likely to be literate than those living in the Kingston Metropolitan Area (KMA). The KMA, the principal urban center, had the highest literacy rate of 88.1%. This represented an increase of 3 percentage points over 1994 when this area also recorded the highest rate of literacy (See Table 24 below). Other Towns registered a literacy rate of 84.0 percent. Compared with 1994, the literacy rate in the rural areas (73.0 percent) remained essentially the same. The rate in this area continued to be below the national average being some 15 percentage points lower than the rate in the KMA and some 11 percentage points lower than in Other Towns.

Table 24

Literacy rate by area of residence 1999 and 1994		
Area	**1999**	**1994**
KMA	**88.1**	**84.6**
Other	**84.0**	**80.7**
Rural	**73.0**	**71.3**
All Jamaica	**79.9**	**75.4**

Source: Jamaica Adult Literacy Survey 1999 (JAMAL Foundation)

329. Socio-economic disparities between rural and urban regions help account for the differences in literacy levels. For instance, more educational institutions (and higher-level institutions) are concentrated in urban centers and the greater proximity allows for more consistent attendance and longer periods of schooling.

330. Data on school enrolment often do not distinguish between rural and urban females.

331. Some 36 percent of the rural female population is pursuing educational training. The Percentage breakdown of the actual number by educational level is as follows:

2.65 percent at tertiary level

40.67 percent at secondary level

56.68 percent at primary level.

Source: (Planning Institute of Jamaica preliminary data 2002)

Property Ownership and Housing

332. Women are free to hold title to land since land ownership policy is not based on any gender considerations. Moreover, women's title to land is not necessarily derived from their husbands or fathers or any other male relative.

333. The Married Women's Property Act was created to allow women to own property in their own right. Aspects of the Act and related land reform policy pertaining to the rights of women to own land and other measures to increase land availability to poor women are now being reviewed.

334. The Emancipation Land Deal (1996) a pilot project, is a land divestment plan to be carried out on a phased basis. Its mandate is to identify one hundred (100) acres of crown (Government) land in each parish to be divested to citizens of Jamaica.

335. The incidence of owner-occupied housing was highest in the rural areas with 67.9% of rural houses being owner occupied, compared with 44.9% in KMA. (Jamaica Survey of Living Conditions, 2002).

336. There was improvement in access to toilet facilities in the rural areas in 2000, from 36.1 percent of houses to 40.2 percent. In the rural areas the proportion of households with water closets linked to sewers decreased to 6.0 percent of all households in 2000 from 7.2 percent in 1999. This suggests that new housing construction was undertaken without linkages being established. There was however, an increase in households having access to water closets not linked to sewers, to 34.2 percent in 2000 from 28.9 percent in 1999, indicating that new housing solutions are typically equipped with these facilities.

337. Highlights during the review period included expansion of credit facilities for small and micro enterprises through MIDA; extension of electricity to remote rural communities through the Rural Electrification Programme (REP) and continued development of social infrastructure in poor communities under the JSIF. Women owned fifty-four percent (54%) of the projects established under the micro-enterprise component of the arrangement.

338. Phase II of the indigent housing project, which commenced in 2001, resulted in a number of persons receiving housing assistance under the NGO/CBO component.

339. During the years 2000 and 2001, the REP installed 36.4km of distribution lines in rural communities. This resulted in light and power services being extended to one thousand nine hundred and sixty five (1,965) additional households.

Article 15 – Equality Before the Law and in Civil Matters

State Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. They shall give women equal rights to conclude contracts and to administer property and treat them equally in all stages of procedure in courts and tribunals.

340. Women and men are treated equally under the law with respect to their capacity to enter into contracts and administer property. There are no overt gender biases in contracts relating to credit and the follow up report to the 1st, 2nd and 3rd CEDAW reports outlines the conditions that apply to credit. However, where there is joint ownership by husband and wife, individual advice is deemed appropriate to ensure that neither party is signing under duress. If there are exceptions, they exist at the institutional level and not as a matter of general practice.

341. Women are equally eligible to be executors or trustees of estates, as are their male counterparts. The Trustees, Attorneys and Executors (Account and General) Act does not refer to the executor or administrator in a gender specific manner and there is no explicit prohibition of women. Section Eighteen (18) of the Married Women's Property Act refers specifically to a married woman holding the position of executrix, administrix or trustee "as if she were a feme sole." "Feme sole" is defined as "a single woman, including those who have been married, but whose marriage has been dissolved by death or divorce, and, for most purposes, those women who are judicially separated from their husbands."

342. The Married Women's Property Act provides that property, which belongs to a woman whether it is acquired before or during marriage, is held as if she were a feme sole and may be disposed of accordingly. Women therefore have the same rights as men to acquire, hold and dispose of property and this right is preserved regardless of marital status. Under the present law, marriage does not confer on one spouse a right to the property of the other spouse. There is a proposed legislation, which will introduce a special family property regime for spouses to provide for the equitable division of property between spouses on the breakdown of marriage.

343. The consensus as it relates to legal proceedings is that women are treated equally in the courts and can be sued or sue in their own names. Women are also free to have their own legal practice and can take their place in the legal system to represent clients before the courts and tribunals. While the majority of students graduating from law school are women and there are many women who practice in the legal system, men still occupy the majority of the senior positions within the judicial system. There are no legal restrictions and in practice no difficulties, in having women serve as jurors.

344. The Legal Aid Act and associated procedures for providing legal assistance are not gender specific, thus legal aid is available equally to men and women. Legal aid is mostly granted in criminal matters and mostly to men who are the majority of criminal offenders. The Legal Aid Clinics offer legal services at subsidized rates to citizens who are unable to stand the full cost. The services, though generally available are not adequate, due to financial and other resource constraints affecting the system.

345. Women and men are awarded similar damages and similar punishments are meted out respectively in civil and criminal cases. Typically though, a sentence of death imposed on a woman convicted of capital murder is commuted to one of life imprisonment.

346. As stated in the 1985-1997 CEDAW report there are no legal obstacles to a woman using contraceptives to determine the number of children she bears. Abortion though, is not a legal option in Jamaica. However, since 1975, by Ministerial Policy, abortion can be carried out in any hospital, clinic or other appropriate facility, if the mother's health is certified by two (2) doctors to be in danger. In practice, some women are prevented from using contraceptives because of religious beliefs that prohibit artificial birth control, or overbearing partners who may want them to have several children.

347. As noted in the previous report, in the Jamaican Nationality (Amendment) Act, women who have had to relinquish their Jamaican citizenship upon marriage to foreign men are now able to apply for re-acquisition of their Jamaican citizenship.

348. In Jamaica domicile is governed by the common law. At birth, a person's domicile of origin is dependent upon that of his parents, the father, in the case of a child born in wedlock, and the mother, in the case of a child born out of wedlock. On attaining adulthood, a woman is entitled to choose her own domicile. Upon marriage, she assumes the domicile of her husband.

349. However, under section 34 of the Matrimonial Causes Act, the domicile of a married woman is treated as though she was never married, for the purpose of proceedings under the Act. This is to circumvent the difficulties that could arise in cases in which a husband and wife have separated, and the husband has changed his domicile. In such a case, the wife might be unaware of her husband's domicile or if aware, she might be unable to institute proceedings in the relevant jurisdiction.

350. There is nothing in Jamaican laws that prevent migrant women who live and work temporarily in the country from having their spouses, partners and children join them.

Article 16 – Equality in Marriage and Family Law

Marriage and Family Relations

351. The structure of Jamaican households consists of a variety of relationships. Commonly, there are traditional, legal marriages that form the basis of households. There is also a trend towards the recognition of stable, long-standing common-law unions, where both parties are single and have cohabited continuously for a period of at least five years. For various purposes, this trend can be seen in the Intestates' Estates and Property Charges Act, the Domestic Violence Act, the Mental Health Act and the Guidelines relating to the conduct of post mortems.

352. In general, couples that cohabit outside of marriage do not enjoy legal status. However, a union of not less than (5) five years, between a single man and a single woman, is recognized for the purposes of succession upon intestacy and inheritance as well as under the Domestic Violence Act.

353. The law prohibits polygamy and as such bigamy is established as an offence under the Offences Against the Person Act (Section 71 [c]).

354. There is no legislation that pertains to retention or acquisition of a family name upon marriage for either of the spouses or their children. Nevertheless, it is by custom, that a wife assumes the name of her husband upon marriage and that the child takes the name of his/her father at birth.

355. Both men and women maintain their rights, as individuals under the law, to choose their professions and these rights are not in any way altered by marriage.

356. Under the laws of Jamaica, women have the same rights as men to acquire, hold and dispose of property and this obtains irrespective of marital status. Moreover, marriage does not confer on one spouse a right to the property of the other spouse. Legislation to institute a special family property regime for spouses is being proposed. In the case of bankruptcy of the husband, action against property held solely by him would not affect the rights of his wife. Where property is held jointly, the Trustee in Bankruptcy registers an interest in the property with the appropriate authority and if the property were to be sold or transferred, the Trustee would participate in the transaction in order to secure its interest. If the husband and wife own property jointly, and it is sold, then the interest held by the wife is protected because she is entitled to the proceeds of the sale in the same ratio or proportion of her interest or ownership in the property.

Divorce

357. Under the Matrimonial Causes Act, dissolution of marriage is available to either party on the same grounds. Upon divorce, the law governing the property interests of married persons is based on legal and equitable principles. Under this system, the property rights of a husband and wife are not affected by marriage and the ownership of property acquired during marriage is determined by a party's contribution (direct or indirect) towards its acquisition and the intention of the parties.

358. Where one spouse holds legal right to property, the other spouse is entitled to share in such property if the circumstances establish the existence of an implied, resulting or constructive trust. Whether a trust exists depends on the circumstances of a particular case, but under common law a trust has been found to exist in the following cases:

- Where spouses intend that the beneficial interest in the property should be shared by both of them
- Where one spouse leads the other to believe that the property belongs to both, and the other spouse acts on that belief to his/her detriment
- Where a spouse makes a direct or indirect contribution to the property in money or through the addition of worth to which a monetary value can be imputed. The latter may take the form of services performed or contributions in kind.

359. Previously, the performance of domestic duties by a spouse was not recognized as a contribution to the acquisition of property. Under the proposed Family Property (Rights of Spouses) Bill however, the performance of such duties is a factor that can be taken into account in determining the respective shares of each spouse in the family home. Such provisions will clearly work to remove

discrimination previously suffered by women, who often sacrifice formal employment in order to be the primary caregivers for children and to take care of matters concerning the family home.

360. Marriage cannot be terminated except by judicial process. On the other hand, the common law union may be terminated by mutual consent or by the individual decision of either party.

361. There are legal obligations on a divorced man to pay maintenance to his former wife. Section 20 of the Matrimonial Causes Act provides that the court may order a divorced man to secure to his former wife such a gross or annual sum having regard to her means, the ability of the man to pay and all the other circumstances of the case. Where parties are cohabiting outside of legal marriage, neither party has a right to maintenance.

Spousal Abuse

362. In respect of violence against women, the Domestic Violence Act applies to both spouses and de facto (common law) spouses. This Act enables the court to grant a protection order in instances where the respondent has used or threatened to use violence against, or caused physical or mental injury to a prescribed person and is likely to do so again, or where the court determines, taking all circumstances into consideration, that the order is essential for the protection of that person. An Occupation Order can also be granted to prohibit the respondent's going within a particular distance of the premises and allowing the victim and any dependent, exclusive occupation thereof. (See Article 2 for more details on Domestic Violence Act).

Family Planning

363. See Article 12 "Equality in Access to Health"

Obligation to Children

364. Under the law, women and men have the same rights to custody of their children. In the event of divorce or breakdown of a relationship, the court gives paramount consideration to what is in the best interest of the child in determining which parent should be granted custody. In practice however, indications are that many men feel a sense of discrimination against them as in most instances, custody of children is awarded to mothers.

365. Section 6 of the Children (Guardianship and Custody) Act states that "the mother of a child shall have the like powers to apply to the court in respect of any matter affecting the child as are possessed by the father." The father is taken to be the natural guardian of the child. Males and females have equal rights in relation to the guardianship and adoption of children and these rights are not affected by a woman's marital status.

366. Whether married or single, a parent who has care and custody of a child is entitled to seek support from the other parent. This right is enforceable under the Maintenance and Affiliation Acts. In cases where maintenance is sought upon divorce, it is claimed under the Matrimonial Causes Act.

367. There is no specific legislation or policy guideline addressing the rights of surrogate mother, possibly because culturally, this practice is not embraced in Jamaica. The concerns related to surrogate motherhood have not yet arisen, in that there has been no known incidence of this practice in Jamaica.

Marriage and the Age of Majority

368. The Law Reform (Age of Majority) Act provides that the age of majority is eighteen (18) years. The age is not gender specific; hence, it is the same for males and females. The minimum age for marriage as stated in Section 3 of the Marriage Act is sixteen years and is the same for males and females. A marriage of a person who has not reached sixteen (16) years of age is void. In order for persons under the age of eighteen (18) years to lawfully enter into marriage, the consent of their parents or guardians is first required.

369. Under the Offences Against the Person Act, the age at which a female person is deemed able to consent to sexual intercourse is sixteen (16) years. Sexual intercourse with a female person under 16 years of age would therefore be an offence. Sexual intercourse between male persons constitutes the criminal offence of buggery, under Section 76 of the Act, irrespective of their age and whether or not they consent.

370. The procedures for the registration of marriage are outlined in section 31 through 36 of the Marriage Act. They provide that the marriage officer who solemnizes the marriage shall register it in the Marriage Register Book (which is kept by the marriage officer), in duplicate, with his/her signature and those of the two parties married and two witnesses. A duplicate of the register shall be given to the Registrar General, who is obligated to file the said duplicate in the General Register Office. A certified copy of the register shall be delivered to one of the parties of the marriage.

371. On the other hand, there is no formal process for registering divorces, however the petitioner obtains a decree nisi and when it is made absolute, the divorce becomes final and is a record of the court.

Inheritance

372. If either spouse dies and leaves a Will, property is distributed according to the terms of the Will. (See paragraph 383 below). Where no Will has been made, the Intestates' Estates and Property Charges Act provides for the distribution of the residuary estate of an intestate (a person who dies without leaving instructions in a Will as to the distribution of his/her estate). The Act sets forth rules for distribution for the surviving spouse, children, parents and other eligible relatives. The spouse will include qualified cohabitants. Persons within the common law relationships will qualify after five years of cohabitation. The Intestates' Estates and Property Charges Act cover the distribution of the estate.

373. Under the Inheritance (provision for Family and Dependents) Act 1993, certain relative of the deceased, including a spouse or a child, may apply to the Court for maintenance, where no or inadequate provision has been made for them under the Will, or the rules related to intestacy. The surviving spouse may be either male or female and might be entitled as a qualified cohabitant.

Gender Mainstreaming

374. The Bureau of Women's Affairs has, since the Beijing Conference in 1995 been stressing the need for gender mainstreaming within the public sector. The Government of Jamaica is committed to seeing gender mainstreaming as an overarching policy in all Government ministries. In 1996 the Cabinet Office issued a directive to the effect that all ministries and agencies should ensure that a gender perspective is incorporated in all their strategic and corporate plans. The chart on the following page affords a picture of some of the gender mainstreaming initiatives that have been pursued within the period under review:

Table 25

Overview of Gender Mainstreaming Initiatives

Organization	Gender Mainstreaming Activities
Planning Institute of Jamaica	-Constructed a Gender Equity Instrument. User training in progress -Collection of Sex-disaggregated data
Cabinet Office	-Received funding from the Canada Caribbean Gender Equity Fund (CCGEF) to train Policy Analysts in Government ministries and agencies in gender analysis and planning. -Integrating Gender Considerations into Government Policies. -Developing training manual for policy analysts.
Centre for Gender and Development Studies	-Conducted numerous research projects on gender and education -A study of 'Perspectives on Male Underachievement in Education and the Implications for Policy and Practice' -A study of the Root Causes of Gender-Based Violence (in progress). -Training for women in micro-enterprise. Training Manual developed. This is the only training programme with available materials that has a gender component especially produced for women to work towards equity with men in small business.

PIOJ, CIDA, UNDP	-First Jamaica Human Development Report and companion document on gender indicators published in 2000.
Ministry of Health (Health Sector)	-Introduction of Gender Management Systems in collaboration with the Bureau of Women's Affairs and the Commonwealth Secretariat – 1999.
Ministry of Education	-Research on Gender Differentials in Education.
Father's Inc.	-Male Sex and Parenting: project on the production of written material for members of Father's Inc. to provide training to young fathers in parenting skills.
Women's Media Watch	-Gender Sensitive Media Training and Education around Gender-based Violence.
Women's Construction Collective	-Production of Training Manual: to women in non-traditional areas to cope with gender-related problems in their working environment.
Coalition on Local Government Reform	-Local Government Leadership: Women and Community Development.

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